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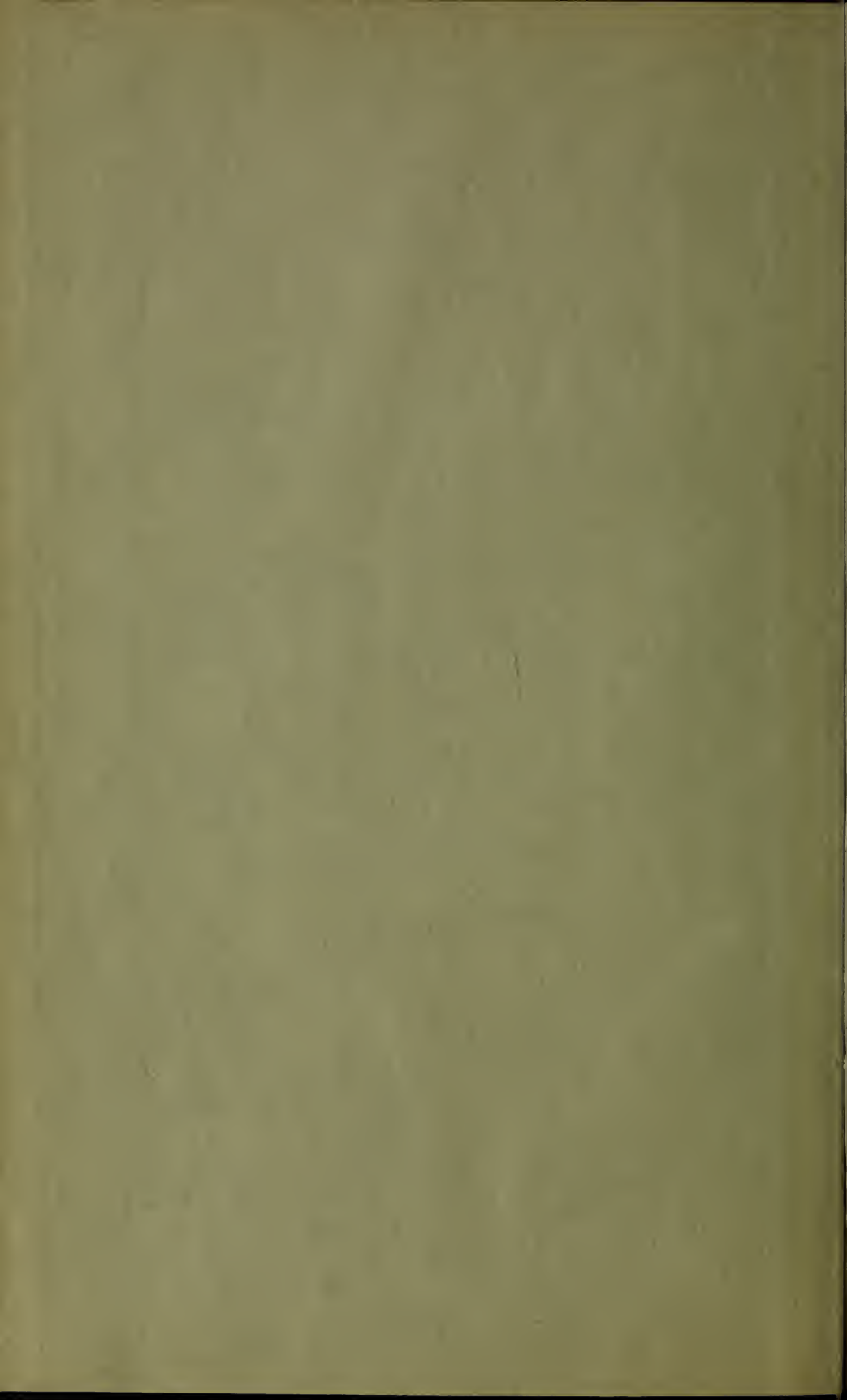
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HEARINGS REGARDING COMMUNIST INFILTRATION  
OF RADIATION LABORATORY AND ATOMIC BOMB  
PROJECT AT THE UNIVERSITY OF CALIFORNIA,  
BERKELEY, CALIF.—VOL. I

(Including Foreword)

HEARINGS

U.S. Congress House BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES

HOUSE OF REPRESENTATIVES

EIGHTY-FIRST CONGRESS

FIRST SESSION

APRIL 22, 26, MAY 25, JUNE 10 AND 14, 1949

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## FOREWORD

These hearings deal with the activities of a Communist cell which operated within the radiation laboratory at the University of California, Berkeley, Calif., during the development of certain phases of the atomic bomb project.

The hearings set forth herein grew out of a previous investigation conducted by the committee which was entitled, "The Scientist X Case." Steve Mesarosh, alias Louis Evans, alias Steve Nelson, is the Communist espionage agent who was mentioned in the Scientist X case as a person who had secured information regarding the development of the atomic bomb. The individual from whom he secured information was a scientist at the University of California in Berkeley, Calif.

In the Scientist X case, information was developed that Scientist X, late one night in March of 1943, went to the home of Steve Nelson, having earlier in the evening made arrangements with Steve Nelson's wife to meet Nelson there. Nelson was not then at home, but came in about 1:30 in the morning. After Nelson had greeted Scientist X, the latter stated that he had some information that he thought Nelson could use. He read to Nelson a complicated formula which Nelson copied down. Scientist X gave as his reason for asking Nelson to copy it down the fact that the formula was in the handwriting of some other person and that he, Scientist X, had to return the formula to the University of California radiation laboratories in the morning. As stated, the radiation laboratories were engaged in vital work in the development of the atomic bomb.

Several days after the transfer of the formula, Nelson contacted the Soviet consulate in San Francisco and arranged to meet Peter Ivanov, the Soviet vice consul, at some place where they could not be observed. Ivanov suggested that he and Nelson meet at the usual place. As a result of the surveillance that was being kept on Steve Nelson, the meeting between Nelson and Ivanov was found to take place in the middle of an open park on the St. Francis Hospital grounds in San Francisco. At this meeting, Nelson transferred something to Ivanov. A few days after this meeting between Nelson and Ivanov on the St. Francis Hospital grounds, the third secretary of the Russian Embassy in Washington, a man by the name of Zubilin, came to the Soviet consulate in San Francisco. Shortly after Zubilin's arrival, he made an appointment to meet Steve Nelson in Nelson's home. At this meeting, Zubilin paid Steve Nelson 10 bills of unknown denominations.

The individual alleged by former intelligence officers in Government intelligence reports to be Scientist X appeared before the committee in secret session and denied that he had ever known Steve Nelson or Steve Nelson's wife, and further denied that he had ever had any meeting such as that described above, with Nelson or anyone else, or that he had ever given to any unauthorized person any formula or other classified information.



This is in direct conflict with information in the possession of the committee. It has never been established whether the formula involved in the Scientist X case was obtained by Scientist X from another scientist employed at the University of California radiation laboratory. It was established, however, that the handwriting appearing on the document containing the formula was the handwriting of some other person.

The committee hoped, during the course of the hearings set forth herein, to secure further enlightenment concerning the Scientist X case. However, as the hearings will show, the only two witnesses who were fully cooperative were Mr. and Mrs. Robert R. Davis, presently of New York City. Witnesses Giovanni Rossi Lomanitz and David Bohm declined to answer questions pertaining to Communist Party membership and the operation of the Communist cell which existed at the radiation laboratory at the University of California on the ground that to do so might tend to incriminate them. Both Lomanitz and Bohm testified, however, that they had never committed any act which they would consider as being disloyal to the United States.

Witnesses Frank Oppenheimer and his wife, Jacquenette, during their testimony admitted former Communist Party membership but declined to answer questions regarding their association with other persons engaged in Communist activities on the west coast. These two witnesses testified that they did know Steve Nelson. However, witness Frank Oppenheimer declined to state where he had met Steve Nelson because he thought that to do so would imply political affinities of other people.

Witnesses Bohm and Lomanitz declined to state whether they were acquainted with Steve Nelson or had ever met him, on the ground that to do so might tend to incriminate them.

There is no evidence in the possession of the committee which would indicate that witnesses Giovanni Rossi Lomanitz, David Bohm, Frank Oppenheimer, Jacquenette Oppenheimer, and Mr. and Mrs. Robert R. Davis were engaged in espionage.

The Communist cell which existed at the radiation laboratory at the University of California, Berkeley, Calif., was responsible for two attempts to obtain information regarding atomic development on the part of the Soviet Government, and one positive case of Soviet espionage, this latter case being the Scientist X case. As indicated herein, the identity of the alleged Scientist X is known to the committee, and he is not to be confused with the witnesses who appeared during the course of the hearings set forth herein.

# HEARINGS REGARDING COMMUNIST INFILTRATION OF RADIATION LABORATORY AND ATOMIC BOMB PROJECT AT THE UNIVERSITY OF CALIFORNIA, BERKELEY, CALIF.

FRIDAY, APRIL 21, 1949

EXECUTIVE SESSION <sup>1</sup>

UNITED STATES HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE  
COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*New York, N. Y.*

The subcommittee of one met, pursuant to call, at 3:30 p. m., at the Hotel Biltmore, New York City, Hon. John S. Wood presiding.

Committee members present: Hon. John S. Wood, chairman.

Staff members present: Louis J. Russell, senior investigator; William A. Wheeler, investigator.

Mr. WOOD. The committee will come to order. Mr. Davis, will you be sworn please? Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DAVIS. I do.

Mr. WOOD. Mrs. Davis, do you solemnly swear that the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

Mrs. DAVIS. I do.

## TESTIMONY OF ROBERT R. DAVIS

Mr. RUSSELL. Mr. Davis, will you please state your full name?

Mr. DAVIS. Robert R. Davis.

Mr. RUSSELL. When and where were you born?

Mr. DAVIS. I was born August 19, 1917, at Buhl, Idaho.

Mr. RUSSELL. From what institutions did you receive your education?

Mr. DAVIS. I attended Stockton Junior College for 2 years; UCLA for 1 year, and one summer session, and the University of California for 1 year, where I got my degree.

Mr. RUSSELL. After you left college, by whom were you employed?

Mr. DAVIS. I was employed by the Key System Co., at Oakland, Calif.

Mr. RUSSELL. Did you have any subsequent employment?

Mr. DAVIS. I was employed at the Radiation Laboratory at Berkeley, Calif.

Mr. RUSSELL. While you were employed by the Radiation Laboratory, were you the subject of a loyalty investigation?

Mr. DAVIS. I don't know; I suppose so.

Mr. RUSSELL. While you were employed by the Radiation Laboratory at Berkeley, were you a member of the Communist Party?

<sup>1</sup> Testimony taken in executive session and released during public hearing, June 10, 1949.

Mr. DAVIS. I was recruited into the Communist Party.

Mr. RUSSELL. During the time you were employed at the Radiation Laboratory?

Mr. DAVIS. Yes.

Mr. RUSSELL. Are you at present a member of the Communist Party?

Mr. DAVIS. I am not.

Mr. RUSSELL. By whom were you recruited into the Communist Party?

Mr. DAVIS. By Lomanitz; G. Rossi Lomanitz.

Mr. RUSSELL. Do you recall the approximate date you joined the Communist Party?

Mr. DAVIS. The approximate date—it was after the first of the year, it was probably January or February of 1943.

Mr. RUSSELL. Where did you first meet Lomanitz?

Mr. DAVIS. I met him at the Radiation Laboratory in Berkeley.

Mr. RUSSELL. You had not known him before?

Mr. DAVIS. No, sir.

Mr. RUSSELL. At the time you joined the Communist Party, did you receive a Communist Party membership card?

Mr. DAVIS. Yes, I did.

Mr. RUSSELL. From whom did you receive this card, if you can recall?

Mr. DAVIS. I haven't the faintest idea; it was given to me by a woman sitting at a table by the door.

Mr. RUSSELL. When you state "at the door," was this at a meeting?

Mr. DAVIS. It was described as a party—a social function.

Mr. RUSSELL. Where was this party held?

Mr. DAVIS. It was held at a private residence in Berkeley Hills.

Mr. RUSSELL. Do you recall the name of the person who held the party?

Mr. DAVIS. No; I don't know the name of the person or any of the people.

Mr. RUSSELL. At the time Lomanitz recruited you into the Communist Party, did he tell you he was, or that he had been, a member of the Communist Party?

Mr. DAVIS. I don't recall whether he did or not.

Mr. RUSSELL. Do you recall how he approached you in order to secure your membership in the Communist Party?

Mr. DAVIS. I would like to try to remember it exactly; the feeling I have is that it was something like "How would you like to come to a meeting of the Communist Party?"

Mr. WHEELER. Did you have the impression that he was a member of the Communist Party, by asking you to go to one of its meetings?

Mr. DAVIS. I had the impression; yes.

Mr. WHEELER. Don't you think he must have been a member of the party to recruit you, Mr. Davis?

Mr. DAVIS. I think that is probably true, but I don't recall his telling me so.

Mr. RUSSELL. Do you know any other persons whom he recruited into the Communist Party?

Mr. DAVIS. No, sir; I do not.

Mr. RUSSELL. What was your reason for joining the Communist Party, Mr. Davis?



Mr. DAVIS. Mostly curiosity, I guess.

Mr. RUSSELL. How many Communist Party meetings did you attend in Berkeley or vicinity?

Mr. DAVIS. I would say three, possibly four. Not more than four certainly.

Mr. RUSSELL. Where were these Communist Party meetings held?

Mr. DAVIS. They were held in various homes in Berkeley.

Mr. RUSSELL. Do you recall the owners of the homes?

Mr. DAVIS. No; I didn't know the people.

Mr. RUSSELL. Did you ever meet Louise Bransten while you were in Berkeley?

Mr. DAVIS. No, I have read about her in the newspapers.

Mr. RUSSELL. How many persons usually attended these meetings?

Mr. DAVIS. In the neighborhood of six or eight.

Mr. RUSSELL. Who else attended these meetings with you?

Mr. DAVIS. Rossi Lomanitz, and several people whose names I don't remember.

Mr. RUSSELL. Did Max Friedman attend these meetings?

Mr. DAVIS. Yes.

Mr. RUSSELL. Did Joseph Weinberg attend these meetings?

Mr. DAVIS. I remember that name. I was shown his photograph and was unable to recognize him, but I do remember the name.

Mr. RUSSELL. If you were to see him, could you identify him?

Mr. DAVIS. I wouldn't have any idea, I have never talked to him.

Mr. RUSSELL. Do you recall any other individuals who attended these meetings?

Mr. DAVIS. I recall a very good-looking girl by the name of Libby.

Mr. RUSSELL. Was it Libby Holman?

Mr. DAVIS. I was sort of talked out of the idea that it might be Libby Holman. This was a rather young girl; she was certainly not an old timer.

Mr. RUSSELL. Do you know an individual by the name of Bernadette Doyle?

Mr. DAVIS. No, sir.

Mr. WHEELER. You said you attended a meeting at a home of some woman about 35 years old; do you remember her physical description at all?

Mr. DAVIS. She was rather thin, tall. That's all I can remember; I am not sure.

Mr. RUSSELL. How well were you acquainted with David Bohm?

Mr. DAVIS. Not at all.

Mr. RUSSELL. Was he employed by the Manhattan engineering project or by the Radiation Laboratory?

Mr. DAVIS. I would like to say this: I do not know him; I know his work; I know that he was employed by the Radiation Laboratory and subsequently by the Atomic Energy Commission. I have read his papers and have heard him spoken of very highly as a scientist, but I did not know him in Berkeley. I remember the name because I came in contact with him later.

Mr. RUSSELL. By whom were you notified that Communist Party meetings were to be held?

Mr. DAVIS. By Lomanitz.

Mr. RUSSELL. At the time he notified you, would he generally tell you the place where the meeting was to be held and the time?

Mr. DAVIS. Lomanitz took us to the first meeting, where it is I don't know. After that we were told that there would be a meeting on a particular date the following week, at a particular address, and we went there. I am not sure, I think the meetings were held in two homes—I can't remember. But I didn't know the people who owned any of the houses.

Mr. RUSSELL. Did you know the people who would advise you where the next meeting was to be held?

Mr. DAVIS. This was agreed upon at the meeting—like a bridge party.

Mr. RUSSELL. Did you ever meet an individual by the name of Steve Nelson?

Mr. DAVIS. This was brought up by Mr. Wheeler when I talked to him. The name Steve Nelson rang a bell. I remember a man that I thought perhaps might have been Steve Nelson coming to the last meeting we attended, and he talked on the Chinese situation specifically. I am not sure whether the name was Steve Nelson; it might not have been. There was some strange sort of relationship which I can't pin down. I saw his picture in the newspapers about 2 or 3 days later in connection with some Cleveland situation. The picture was not familiar. He seemed much more plump than this person I remember.

Mr. RUSSELL. In other words, the name Steve Nelson is familiar to you?

Mr. DAVIS. I know I have heard the name somewhere. I don't know if there is any reason for my connection with this person.

Mr. RUSSELL. Do you recall the identity of any individual who spoke before these meetings which you attended?

Mr. DAVIS. This was the only person that I remember speaking—giving a speech. It was a small group; there were discussions which were organized beforehand. Particular people doing research on particular things; talking about particular subjects at a given meeting. They weren't exactly speeches, they just sat around the room and talked.

Mr. RUSSELL. In other words, they had discussion leaders?

Mr. DAVIS. I suppose so. It was usually a rather retiring sort of thing; actually very little reading.

Mr. WHEELER. Were there any other ladies besides Mrs. Davis and this woman by the name of Libby?

Mr. DAVIS. Yes; there were several; mostly girls with thick glasses and empty faces, who looked like psychology students. I heard their names at the time, but don't remember them, I would guess actually about six or eight people attended the hearings, probably not more than a dozen at any time.

Mr. RUSSELL. When did your employment by the radiation laboratory terminate?

Mr. DAVIS. I was transferred to Los Alamos, and my employment at Los Alamos technically began April 1, 1943. I think we didn't arrive until about a week later, so actually my period at the radiation lab carried on until March 31.

Mr. RUSSELL. What was the reason for the termination of your employment?

Mr. DAVIS. To go to Los Alamos.

Mr. RUSSELL. Were your services terminated at Los Alamos?

Mr. DAVIS. You are speaking of Los Alamos and not the radiation laboratory. My reason for leaving is that I was asked to resign.

Mr. RUSSELL. Did they furnish a reason why they wanted you to resign?

Mr. DAVIS. The Atomic Energy Commission stated that my character and associations were questionable and not in keeping with the terms of the Atomic Energy Act, and that I should not be furnished further employment.

Mr. RUSSELL. When did you leave the Communist Party?

Mr. DAVIS. The last meeting I attended was the meeting at which this person spoke, whose name I cannot remember, which might have been Steve Nelson, and we had cards at that time—we destroyed them, and did not attend or communicate or see any of these people involved after this.

Mr. RUSSELL. At the meeting which was addressed by a person who might have been Steve Nelson, was Joseph Weinberg present?

Mr. DAVIS. I don't know.

Mr. RUSSELL. Was Rossi Lomanitz present?

Mr. DAVIS. I don't know that either.

Mr. RUSSELL. Was David Bohm present?

Mr. DAVIS. I don't remember. I remember the presence of four people—my presence; my wife; and the woman at whose home we met, a woman around 35; and the person who spoke. I don't remember who else.

Mr. RUSSELL. Had this person who spoke ever attended any previous meetings?

Mr. DAVIS. No; it was the only time I ever saw him.

Mr. RUSSELL. A few moments ago you made the statement, "We destroyed our cards." Were you speaking of yourself and wife?

Mr. DAVIS. Yes.

Mr. RUSSELL. In other words, you destroyed your Communist Party membership card before you went to Los Alamos from Berkeley, Calif.?

Mr. DAVIS. Yes.

Mr. RUSSELL. Did you destroy your Communist Party card upon instruction, or upon your own volition?

Mr. DAVIS. It was entirely upon my own volition.

Mr. RUSSELL. At that time had you decided to break with the Communist Party?

Mr. DAVIS. Yes, sir.

Mr. RUSSELL. What was your reason for this decision?

Mr. DAVIS. It was not a matter of breaking with the party; I never felt associated with the party. I joined it purely out of curiosity, to see what sort of people were there, and to listen. I never participated or contributed anything. I never felt I had given the party anything that would seem to be implied in the term "membership." As I remember, the card read that if dues were not paid regularly, membership would be terminated automatically. I therefore simply burned the card.

Mr. RUSSELL. In other words, you never paid any dues to the Communist Party?

Mr. DAVIS. I paid 50 cents for the card; never anything else.

Mr. WHEELER. Were you issued this card before you attended the first meeting?



Mr. DAVIS. Yes.

Mr. WHEELER. Did they infer you had to become a member before you could attend?

Mr. DAVIS. It was like buying a ticket at a show.

Mr. WHEELER. Do you know if the other people who attended had cards? Would you assume they were members, like yourself?

Mr. DAVIS. The cards were given out with such great abandon I assumed everyone there had one.

Mr. RUSSELL. In other words, at the time you joined the Communist Party, your membership was solicited by G. Rossi Lomanitz, and you subsequently obtained a card at a meeting which you attended?

Mr. DAVIS. Yes, sir.

Mr. RUSSELL. And the fee for this card was 50 cents.

Mr. DAVIS. I believe it was 50 cents; yes. It was either 50 cents for each or 50 cents for two. I can't remember.

Mr. RUSSELL. When you attended these Communist Party meetings, there was no question in your mind that all persons in attendance were members of the Communist Party?

Mr. DAVIS. I didn't think about it.

Mr. RUSSELL. Are you convinced now that they were all members?

Mr. DAVIS. I suppose they were; yes.

Mr. WHEELER. Were you later told by the Atomic Energy Commission at the time they investigated you that it was a Communist Party, or a unit of the Communist Party?

Mr. DAVIS. They didn't tell me that, but I assume they knew it was.

Mr. RUSSELL. Did you ever learn that this cell or unit was a branch of the Merriman Club?

Mr. DAVIS. Yes; I was told that. I don't remember the name of the unit; it didn't mean anything to me. I knew at the time it was the Communist Party.

Mr. RUSSELL. But you later found out it was the Merriman branch of the Communist Party?

Mr. DAVIS. This was the information in the FBI report. I was asked if I had been a member of the Merriman branch and I said I had been a member of some branch but didn't know whether it was the Merriman Club or not.

Mr. RUSSELL. That will be all, Mr. Davis.

Mr. WOOD. Mr. Davis, you are hereby instructed to appear before the Committee on Un-American Activities in Washington, D. C., on Tuesday, April 26, 1949, at 10 a. m.

#### TESTIMONY OF MRS. CHARLOTTE N. DAVIS

Mr. WHEELER. Mrs. Davis, will you please state your full name for the record?

Mrs. DAVIS. Charlotte N. Davis.

Mr. WHEELER. When and where were you born?

Mrs. DAVIS. I was born in Lodi, Calif., June 2, 1919.

Mr. WHEELER. Please give the committee a résumé of your educational background.

Mrs. DAVIS. I went to public school, high school, junior college at Stockton, UCLA for 1 year, and Columbia for 1 year.

Mr. WHEELER. Have you been employed since leaving college?

Mrs. DAVIS. Yes; in a weaving shop, and at Los Alamos, as a nursery-school teacher.

Mr. WHEELER. Have you ever been a member of the Communist Party?

Mrs. DAVIS. Yes.

Mr. WHEELER. Are you presently a member of the Communist Party?

Mrs. DAVIS. No, sir; I am not.

Mr. WHEELER. When did you first join the Communist Party?

Mrs. DAVIS. It was in 1943, January or February.

Mr. WHEELER. Who solicited your membership in the Communist Party?

Mrs. DAVIS. It was Rossi Lomanitz—

Mr. DAVIS. Technically, I solicited her membership, even though I was not a member. Lomanitz asked if I would like to go to a meeting, and I said "yes" and asked if I could bring my wife along, so I brought her.

Mr. WHEELER. When did you first meet Lomanitz?

Mrs. DAVIS. He came to my house; I met him through my husband.

Mr. WHEELER. Were you issued a Communist Party membership card?

Mrs. DAVIS. Yes.

Mr. WHEELER. When was this?

Mrs. DAVIS. At the same time Bob got his—at the first meeting.

Mr. WHEELER. And Lomanitz took you and Mr. Davis to the meeting?

Mrs. DAVIS. He led us there; yes.

Mr. WHEELER. Was he present during the meeting?

Mrs. DAVIS. Yes; he was.

Mr. WHEELER. Do you recall the name of the individual who issued the card?

Mrs. DAVIS. No, I do not.

Mr. WHEELER. Did Mr. Lomanitz ever confide to you that he was a member of the Communist Party?

Mrs. DAVIS. No; never.

Mr. WHEELER. Do you think he was a member of the Communist Party?

Mrs. DAVIS. Naturally.

Mr. WHEELER. How many meetings did you attend?

Mrs. DAVIS. About four, as I recall.

Mr. WHEELER. Do you recall where these meetings were held?

Mrs. DAVIS. They were held at private homes; I don't remember the names of the people.

Mr. WHEELER. How many individuals attended the meetings?

Mrs. DAVIS. From 6 to 12 people, I would say.

Mr. WHEELER. Can you identify any of the individuals who attended the meetings?

Mrs. DAVIS. I didn't know any of them from the laboratory except Lomanitz and this Libby woman.

Mr. WHEELER. Did she work at the laboratory?

Mrs. DAVIS. I don't know; I don't think she did.

Mr. WHEELER. Did you ever meet David Bohm?

Mrs. DAVIS. No; I don't know him.

Mr. WHEELER. Do you know if he ever attended these meetings?

Mrs. DAVIS. No, I don't.

Mr. WHEELER. Have you ever met Joseph Weinberg?

Mrs. DAVIS. I may have.

Mr. WHEELER. Did Joseph Weinberg ever attend these Communist Party meetings?

Mrs. DAVIS. Yes; there was a person by the name of Joseph Weinberg at these meetings.

Mr. WHEELER. Was he employed at the radiation laboratory?

Mrs. DAVIS. I don't know.

Mr. WHEELER. Would you describe him physically, Mrs. Davis?

Mrs. DAVIS. He was small, and thin. Rather dark.

Mr. WHEELER. Did he wear glasses?

Mrs. DAVIS. Yes; I think he wore glasses.

Mr. WHEELER. Do you know what nationality he was?

Mrs. DAVIS. He was Jewish.

Mr. WHEELER. You don't recall meeting a man by the name of Bohm?

Mrs. DAVIS. No; I do not.

Mr. WHEELER. Did you ever meet a person by the name of Friedman?

Mrs. DAVIS. I don't know.

Mr. WHEELER. Do you recall if a man by that name attended the meetings?

Mrs. DAVIS. I recognize the name.

Mr. WHEELER. Was Friedman employed by the Manhattan engineering project?

Mrs. DAVIS. I don't know.

Mr. WHEELER. Did you ever meet an individual by the name of Steve Nelson?

Mrs. DAVIS. It is possible.

Mr. WHEELER. Where do you think you might have met an individual by the name of Steve Nelson?

Mrs. DAVIS. At one of the meetings. He gave a very interesting discussion on China.

Mr. WHEELER. What was the tenor of his lecture, Mrs. Davis, if you can recall?

Mrs. DAVIS. It seemed to resolve around the fact that the Russian Communists were not supporting the Chinese Communists at this point.

Mr. WHEELER. Did you disagree?

Mrs. DAVIS. I had no opinion in the matter.

Mr. DAVIS. Perhaps I might explain. I had no particular feeling in the matter except I did not like the argument; it seemed very specious. The lecture had to do with the fact that the war had to be won and that the main thing in China at that point was to defeat the Japanese. There seemed to be no point in not supporting Chiang Kai-shek's regime as completely as possible in the prosecution of its war effort, even though this war effort appeared to be directed against the Chinese Communists; that the main thing was the building of a strong Chinese central government, which would be able to prosecute at some future date a war against Japan. It was a very strange argument. It also had to do with the point that there was some advantage in perpetrating a civil war in China, because a strong China was not a thing to look forward to with enthusiasm.



Mr. WHEELER. Mr. Davis, would you describe the individual who gave this lecture?

Mr. DAVIS. He was a hard-boiled, tough character, who seemed obviously to be very much at home in these surroundings. I don't remember what he looked like very well. I was under the impression he was fair; blond hair, but I don't remember anything else.

Mr. WHEELER. How would you describe him, Mrs. Davis?

Mrs. DAVIS. He was ruddy and stocky. I don't remember his height. He was heralded in with some pomp.

Mr. WHEELER. Have you ever been interviewed by any of the intelligence agents of the Government?

Mrs. DAVIS. No; I have written out some blanks for them.

Mr. WHEELER. What do you mean by blanks?

Mrs. DAVIS. PSQ's, I guess.

Mr. WHEELER. Have you ever been interviewed by the FBI, Central Intelligence, or AEC?

Mrs. DAVIS. No.

Mr. WHEELER. Mr. Davis, have you ever been interviewed by the Atomic Energy Commission?

Mr. DAVIS. Many times, but always about someone else; never about myself.

Mr. WHEELER. Mr. Davis, what exactly were your duties at the radiation laboratory at Berkeley?

Mr. DAVIS. I was a computer, a mathematical computer. I worked a little electric gadget, pushing buttons.

Mr. WHEELER. What were your duties at Los Alamos?

Mr. DAVIS. I continued in the same work as at the Radiation Laboratory during the period of the war, until the end of 1945, then I became involved in the editing and preparing of technical manuscripts for the laboratory.

Mr. WHEELER. During the time that you attended these meetings was it ever suggested that you endeavor to bring more people in?

Mr. DAVIS. No, it never was.

Mr. WHEELER. Did you receive the impression that they were very glad to have someone connected with the Manhattan engineering project attend these meetings?

Mr. DAVIS. The people seemed to be very disinterested in this.

It was never a factor—never mentioned. It was all about the Negroes in the South and the Catholic Church.

Mr. Wood. This concludes the hearing here today.

(Whereupon, at 4 p. m., the subcommittee adjourned, Mr. Davis having been previously instructed to appear before the full committee in Washington, D. C., Tuesday, April 26, at 10 a. m.)





# HEARINGS REGARDING COMMUNIST INFILTRATION OF RADIATION LABORATORY AND ATOMIC BOMB PROJECT AT THE UNIVERSITY OF CALIFORNIA, BERKELEY, CALIF.

TUESDAY, APRIL, 26, 1949

EXECUTIVE SESSION <sup>2</sup>

UNITED STATES HOUSE OF REPRESENTATIVES,  
COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

The committee met, pursuant to notice, at 10:30 a. m., in room 226, Old House Office Building, Washington, D. C. Hon. John S. Wood (chairman) presiding.

Committee members present: Representatives John S. Wood, Burr P. Harrison, John McSweeney, Morgan M. Moulder, Richard M. Nixon, Francis Case, and Harold H. Velde.

Staff members present: Louis J. Russell, senior investigator; Donald T. Appell, and William Wheeler, investigators; and A. S. Poore, editor.

Mr. WOOD. The committee will be in order, please.

Mr. RUSSELL. Mr. Chairman, the first witness is Mr. Giovanni Rossi Lomanitz.

Mr. WOOD. Will you stand, please, Mr. Lomanitz.

Do you solemnly swear the evidence you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LOMANITZ. Yes.

## TESTIMONY OF GIOVANNI ROSSI LOMANITZ

Mr. RUSSELL. Mr. Lomanitz, will you please state your full name and address.

Mr. LOMANITZ. Might I ask if I am going to have a transcript of these hearings for my own use?

Mr. RUSSELL. You may have a copy of your own testimony, provided you pay the necessary fee.

Mr. LOMANITZ. Will you repeat your first question, please.

Mr. RUSSELL. Will you please state your full name and address.

Mr. LOMANITZ. Yes. My name is Giovanni Rossi Lomanitz. My address is Fisk University, Nashville, Tenn.

Mr. RUSSELL. Do you have a home address?

Mr. LOMANITZ. 1601 Phillips Street, Nashville, Tenn.

Mr. RUSSELL. When and where were you born?

<sup>2</sup> Testimony taken in executive session and released during public hearing, June 10, 1949.

Mr. LOMANITZ. I was born in 1921 in Texas.

Mr. RUSSELL. What city?

Mr. LOMANITZ. Bryan.

Mr. RUSSELL. Bryan?

Mr. LOMANITZ. Bryan.

Mr. RUSSELL. Where are you presently employed?

Mr. LOMANITZ. Fisk University.

Mr. RUSSELL. What is your position with Fisk University?

Mr. LOMANITZ. I am associate professor of physics at Fisk University.

Mr. RUSSELL. Will you please outline to the committee your employment background?

Mr. LOMANITZ. Well, I guess my part-time work began when I was going to the University of Oklahoma, doing departmental work in the physics department, NYA work, et cetera, part-time work to support myself in school.

Mr. RUSSELL. You mean National Youth Administration?

Mr. LOMANITZ. Yes, that is correct. After I got my degree, I got a teaching assistantship at the University of California, at Berkeley.

Mr. WOOD. Could you raise your voice a little? I can't hear you.

Mr. LOMANITZ. In 1940 I went to the University of California at Berkeley to do graduate work, and I had a teaching assistantship. This teaching assistantship paid sufficient at that time to make me completely self-supporting.

I worked approximately 2 or 2½, maybe 3 years, I don't remember exactly, and in June of 1942, I think it was, I began working for the radiation laboratory at the University of California. I worked there for somewhere around a year and a half, maybe a little bit under, and then I was employed by the Army of the United States—I was a private—for about 30 months, roughly.

I came out of the Army, went back to the University of California; during the summer before school started I had a job in the radiation laboratory again, this time working on medical physics for about 4 months.

When school started that fall, that must have been, I believe, in 1946, I got a teaching assistantship again; did graduate work.

After 1 year at the University of California after the war, I got a teaching assistantship at Cornell University and did graduate work there for a year and a half until I had essentially completed the requirements for Ph. D., but not quite.

At that time I got a job as associate professor of physics at Fisk University, in Nashville, Tenn. Now, there may be some details that I have left out.

Mr. RUSSELL. I think that is sufficient. Mr. Lomanitz, you are appearing before the committee by virtue of the subpoena which was served on you by a deputy marshal at Nashville, Tenn., are you not?

Mr. LOMANITZ. That is correct.

Mr. RUSSELL. After that subpoena was served, there was an inquiry made as to whether you would be permitted counsel. Do you desire counsel?

Mr. LOMANITZ. What is your name, sir?

Mr. RUSSELL. Louis J. Russell.

Mr. LOMANITZ. Mr. Russell, I have spoken to counsel. Counsel was busy this morning and is going to be busy again this afternoon.

I told counsel I was not sure whether I would require his services or not, but I wished to hold off judgment on that, and he told me if I required his services at any time during the hearing, to let him know. I presume it will be all right with the committee.

Mr. WOOD. You are advised now that if at any time during this interrogation you determine you want to confer with counsel before answering the question, you make it known, and you will be given the opportunity.

Mr. RUSSELL. Would you state counsel's name for the record?

Mr. LOMANITZ. The counsel's name is Mr. Belford V. Lawson, Jr.

Mr. RUSSELL. When were you inducted into the United States Army?

Mr. LOMANITZ. I was inducted into the United States Army in 1943, sometime around about the fall. I can look it up and give you the exact date if you want.

Mr. RUSSELL. At the time of your induction where were you employed?

Mr. LOMANITZ. Radiation laboratory, University of California, Berkeley, Calif.

Mr. MOULDER. Were you a volunteer or were you drafted?

Mr. RUSSELL. He was drafted.

What was the reason for your induction in the United States Army?

Mr. LOMANITZ. I made many inquiries into that.

Mr. WOOD. I can't hear you; will you please speak louder?

Mr. LOMANITZ. Mr. Russell asked me what was the reason for my induction into the United States Army. I made many inquiries into that, and I have received three different answers, and I have been forced to come to the conclusion of my own.

First, I will state for the committee the various reasons that I was given at the time, and then I will state for the committee what my own conclusion is, if that is satisfactory.

I was told at one time by the area engineers office on the project that apparently my job must just not be essential any longer. I was told at one time to search my conscience. I was informed by my local draft board that they had been given unofficially the story that I was slated for secret work of importance which required my being in uniform and, in fact, they had been asked to cooperate in inducting me into the Army in a hurry in order to carry that out.

I am sure that none of these reasons is correct. My draft board became very alarmed when they began to get the idea that perhaps they had not been told the truth about this and that perhaps there might be something fishy going on.

They made quite a bit of inquiry and were very reluctant—in fact, my local draft board never did give me a classification of 1-A. My local draft board put me in 2-B finally, and the State selective service director put me in 1-A.

Now, in terms of the only conjectures that I have been able to make, I made a statement to my draft board in 1943 which I should like to read here, as it is part of my conjectures.

I have submitted this statement to the Federation of American Scientists, and I should now like to read it to the committee. I think it will hang together.

Mr. RUSSELL. Would you let the chairman examine the statement first before it is read into the record?



Mr. LOMANITZ. Is there any necessity for that, Mr. Russell?

Mr. RUSSELL. Yes, there is. Mr. Wood is chairman.

Mr. CASE. Mr. Chairman, I didn't quite catch one statement that he made. You were told in one answer to search what?

Mr. LOMANITZ. To search my conscience.

Mr. CASE. Did you?

Mr. LOMANITZ. I searched my conscience and I came to the conclusion which I would like to read to this committee here as soon as the chairman gives me permission.

Mr. CASE. What did you find when you searched your conscience?

Mr. LOMANITZ. In order to give you the whole story, I think I will have to read that. It is hard to sum it up. That itself is very brief. It is only the first six pages that are important, Mr. Wood. The others are documents.

Mr. WOOD. Have you seen this, Mr. Russell?

Mr. RUSSELL. No, sir.

Mr. WOOD. Well, I don't know of any reason why it shouldn't be read into the record.

Mr. HARRISON. Is it a statement of the witness himself?

Mr. WOOD. Yes, a statement that he himself prepared.

Mr. LOMANITZ. It was presented to my draft board in 1943.

Mr. WOOD. Do the circumstances under which he was inducted into the Army become important in this investigation?

Mr. RUSSELL. Yes, sir.

Mr. WOOD. Very well, I think it is pertinent, then.

Mr. RUSSELL. I suggest, Mr. Chairman, that it be inserted in the record rather than to have it read at this time.

Mr. WOOD. If you don't mind, it will save time—have you got an extra copy of it?

Mr. LOMANITZ. No, sir.

Mr. WOOD. You prefer to keep that copy yourself; is that the reason you want to read it?

Mr. LOMANITZ. Well, and I would also like—Mr. Case has asked me a question, and I would like for Mr. Case and Mr. Velde and yourself and all the other Congressmen present to hear the answer, as well as to have it in the record.

Mr. WOOD. We will probably save time by letting him read it. Read it distinctly so the gentlemen can hear it.

Mr. LOMANITZ. Yes. The first part is a statement presented at my personal appearance before my local draft board, Board No. 69 in Berkeley, Calif., on August 10, 1943. It reads as follows:

I am making my appeal tonight on the basis, gentlemen, that I am unable to understand the situation I have become involved in. I will try to give you as completely as possible all of the facts of which I am aware.

Since June 1, 1942, I have been employed at the radiation laboratory. I had just completed 2 years of graduate work following my B. S. degree in physics from the University of Oklahoma. On the basis of the recommendation of the laboratory, I have since then twice been classified 2-B. On July 27, 1943, I was promoted to group leader of my section on the project with an increase in salary to \$300 a month. I was at that time informed by Dr. E. O. Lawrence, the director of the laboratory, that he was quite well pleased with my work, and I went over with him some urgent problems that I should tackle immediately.

On July 30, I received by special delivery a notice to report for physical examination the following day, which I did. I was surprised to find the doctor had instructions to rush the blood sample by special messenger. To make sure that no slip had occurred in my request for deferment, I went to see Dr. Shane, assistant director of the laboratory in charge of scientific personnel. He knew that the

request had been denied. The reason he had to offer was that I had not been cleared by the "area engineer's" office.

Since Dr. Shane is in an administrative position, I next went to see Dr. Lawrence, who is himself the scientific and technical director of the laboratory. Dr. Lawrence was quite taken aback. He reassured me of my indispensability, and immediately got in touch with Dr. Shane to find out whether some mistake had not been made. He came back from the interview with Dr. Shane to tell me that Dr. Shane is apparently aware of my value here, and that he, Dr. Lawrence, just cannot understand what is happening. On the basis of a strong assurance by Dr. Lawrence that my loss to the project would be serious, I was told that the area engineer's office was asked to recheck on my clearance.

Last Monday, August 2, I received simultaneously my reclassification into I-A and my notice of induction for August 10. Naturally, I kept in touch daily with the area engineer's office, but only yesterday, August 9, did he give me any news, and then merely that there was nothing he could do—with no reason given.

In the course of many subsequent interviews with officials of the university, the Army, and Selective Service, several possibilities have been suggested—namely, that I may be sent back to the laboratory by the Army, that I may be commissioned for a secret military mission of some sort, et cetera, et cetera. Dr. Lawrence, who is best acquainted with my own particular specialized field and best qualified to recommend its place of application, has, to the best of my knowledge, made no such recommendations. There has been absolutely no official indication to me that such plans are being made for me.

I can assure you that I should be the first to cooperate in every way with any plan to utilize my technical and scientific knowledge to the best advantage in the war. Not having been informed of any such plan, I do not believe that I am slated for such a commission. Particularly, gentlemen, since there are hundreds of theoretical physicists in the country with far more general background than I.

To me it seems rather, and I may say that the area engineer has agreed that it seems likely, that some unnamed charges are being pressed against me, using Army induction as an instrument. This seems especially likely in view of a recent investigation carried out by the provost marshal's men in which my views were examined in detail and at great length. During this interview, I was questioned for a long time on my interest in unions in general and the Federation of Architects, Engineers, Chemists, and Technicians in particular. I was then told that some unknown person had instigated the charge that I am connected with "communistic organizations." At the time I brushed this aside as ridiculous.

Mr. CASE. Who told you that?

Mr. LOMANITZ. This was the investigators who said they came from the provost marshal's office. He told me his name at the time. That is, at the radiation laboratory there were periodic visits from these people, who said they were from the provost marshal's office and presented cards to prove their identity, and they would ask questions periodically.

Mr. RUSSELL. You realize this statement is being read under oath, do you not; that the statements contained in that document from which you are reading are being made under oath?

Mr. LOMANITZ. I fail to get your point, Mr. Russell.

Mr. RUSSELL. That document becomes a part of the sworn record, and its contents might be admissible in any subsequent court proceedings which might result from this hearing.

Mr. LOMANITZ. Mr. Russell, I am reading to you a statement that I told you was my conjecture as to why I was inducted into the Army, which I had prepared for my draft board at that time. Is that understood?

Mr. RUSSELL. It is understood, but the statements contained therein are being read under oath, particularly where you might deny certain allegations that have been made against you.

Mr. CASE. Of course, what he just said was he had been told some charges had been made against him, and he has not stated that he



was informed that these charges had been made by an investigator connected with the provost marshal's office.

Mr. RUSSELL. But he stated that he brushed those aside as having been ridiculous, which is the statement that the committee is interested in.

Mr. LOMANITZ. I will reread that statement:

I was then told that some unknown person had instigated the charge that I am connected with "communistic organizations." At the time I brushed this aside as ridiculous.

Mr. RUSSELL. Continue. I just wanted you to be acquainted with the fact that it was being made under oath—the contents of the statement. I don't know what else is in it.

Mr. LOMANITZ. (continuing):

I am now afraid that it was on the basis of my activities in the union that my clearance did not go through, without which the area engineer apparently will not permit the laboratory to submit a form 42-A or, in fact, any statements of my value to the laboratory. In fact, my immediate superior drew up such a statement, and was informed by Dr. Shane that he cannot release it without the approval of the area engineer.

It has been suggested to me that my appearance before this board may be completely futile inasmuch as the Army is apparently definitely determined that I shall be removed from the project and inducted. If selective service has no power in this matter, I should like to ask if the board does have the power to insure that the Army does, in fact, permit me to continue to make a contribution in my own highly specialized field. May I also respectfully suggest that the board itself take steps to secure from the laboratory statements about the importance of my work here. As stated above, the supervisors cannot volunteer such statements, but will make them only if they are officially called for.

In conclusion may I state that military secrecy makes it impossible to tell you the nature of the vital war research I am conducting at the laboratory and this prevents me from impressing you as forcefully as I could under other circumstances with the serious implications of my possible induction and removal from the project.

That was the statement to the draft board in 1943. Now, attached to that is a short addendum, which brings it roughly up to date, which I prepared for the Federation of American Scientists:

This was a summary to August 10, 1943. Result was draft board tried vainly to get any statements from radiation lab; area engineer's office would neither give them any information nor permit Lawrence to make any sort of statement about my work. Area engineer's office would also tell me nothing, suggesting to me at one time:

1. That my work was not considered important; and at another time—
2. To "search my conscience" and tell them what I found.

Finally I asked area engineer (Fidler) if his office objected to my obtaining work somewhere else. He said they didn't object. I got permission from my draft board to have time to find another job (radiation lab never actually fired me, just refused to request my deferment). They granted it. While waiting to hear from applications I sent out, I got simultaneously on September 10, 1943, a II-B classification from my local board, a I-A from board of appeals, and a notice to report in 10 days for induction. My local board told me that the State selective service director had asked them to take action on my case, and warned them that if they deferred me, he would appeal the case. They therefore took action and deferred me and he appealed and had me put in I-A and ordered for induction.

My local board didn't like it, and told me if I got a deferrable job within the 10 days before induction, they'd reopen the case. I got a job-teaching math at University of California to aviation cadets, and the head of the math department so informed my board, but before he could send in a request for deferment he called me and told me he had to withdraw the job offer and could not say why. It was not clear that he even knew why. Then on the Saturday preceding the Monday of my induction, I went to San Francisco and got a job with a radar tube outfit which sent in a request for deferment immediately. The draft board got

this late Saturday night and decided to hold a special meeting on Sunday, because I was to be inducted Monday. Sunday evening I called them and they told me they were deciding to reclassify me II-B and cancel the order for induction when they got a phone call from the radar tube outfit requesting them to ignore the request for deferment. The local board said the request for deferment was the last written evidence they had and they'd go on it. Thereupon, the radar tube outfit sent a telegram officially requesting cancellation of deferment, and the local draft board could do nothing more.

No one knew I was going to San Francisco that Saturday, and I wandered completely by chance into the radar tube outfit. Yet by Sunday the outfit was going to great effort to cancel my deferment, as had the mathematics department previously. The only inference I can draw is that I was being closely followed, and pressure put on my prospective employers. This also jibes with the fact that Oppenheimer's strong representations in my behalf failed, and that the international president of the FAECT-CIO union was told by the California State selective service director that the case was out of his hands. Shortly after this, several other people active in the union were either fired, denied clearance, or denied deferment. The union soon collapsed. It is my belief that this was the chief intent of this affair.

I have documents here, which I don't suppose it is necessary to read, also, from various people. There is my employment termination notice showing my work was satisfactory, I was released without prejudice.

Mr. Wood. For the benefit of the members who have just come in, this witness is under supena here from Nashville, Tenn., a member of the faculty of Fiske University. He has consulted counsel before coming here and has been given to understand that if any questions are asked him about which he deems it necessary to confer with counsel, he will have the privilege.

Pending the examination by Mr. Russell, our chief investigator, I will appreciate it if members of the committee will withhold questions and make notes until he is through and then I will be glad to call on any members of the committee to ask any questions they desire to ask.

Mr. LOMANITZ. Mr. Wood, there are a few letters attached here which are part of the documents I turned over to the Federation of Scientists. I don't think it is necessary to read them, but I wonder if you want them in the record.

Mr. Wood. After you are through with your testimony, if you want them put in in connection with your statement, just let the reporter have them, and he will put them in.

(The following is included among the documents to which reference is made.)<sup>3</sup>

# UNIVERSITY OF CALIFORNIA

## RADIATION LABORATORY

### EMPLOYMENT TERMINATION NOTICE

Full name: G. Rossi Lomanitz. Date: September 21, 1943.  
Address: 2224 Ward Street, Berkeley, Calif. Phone: Berkeley 7079W.  
Position: Physicist. Date employed: June 1, 1942.  
Effective date: September 20, 1943. Services: Satisfactory (satisfactory or otherwise).

Reason for leaving: Induction into armed services.

Released without prejudice and without objection.

Pass number: 252. Returned: September 21, 1943 to WSB.

cc: x Subject	cc: D. D. D. Released by W. S. Bigelow (Personnel
Payroll	D. C. Manager).
O. S. R. D.	A. E.
P. S. O.-N. Y.	

<sup>3</sup> Remainder of said documents are retained in the files of the committee.

Mr. WOOD. All right, Mr. Russell.

Mr. RUSSELL. Do you know an individual named Robert R. Davis?

Mr. LOMANITZ. Yes; I know an individual named Robert Davis.

Mr. RUSSELL. Was a Robert R. Davis employed under your supervision at the radiation laboratory at the University of California?

Mr. LOMANITZ. There was a Robert Davis, I don't know whether his middle initial was "R" or not, working in the same group that I was. At the time I was not the head of the group, however.

Mr. RUSSELL. But you did work with a Robert Davis at the radiation laboratory of the University of California?

Mr. LOMANITZ. That is correct.

Mr. RUSSELL. Mr. Lomanitz, are you now or have you ever been a member of the Communist Party of the United States?

Mr. LOMANITZ. Mr. Russell, the committee does not wish to insist that I answer that question, does it?

Mr. RUSSELL. I asked you: Are you now or have you ever been a member of the Communist Party of the United States?

Mr. LOMANITZ. Mr. Russell, it seems to me that this committee wishes to defend the constitutional rights of freedom of conscience of individuals.

Mr. RUSSELL. Do you refuse to answer that question?

Mr. LOMANITZ. On this point I had better perhaps consult my counsel. You see, I do not know whether the Constitution puts in a specific protection on the freedom of conscience of individuals on the ground of which I could refuse to answer that question. I strongly feel that the freedom of conscience of individuals should be protected, my own and others. I do not know whether this committee considers that a valid reason for not answering the question or not. If the committee would tell me whether they consider this to be a valid reason, then I will proceed. If the committee will not tell me or does not consider it a valid reason, I beg permission to consult counsel.

Mr. WOOD. In the investigation that is under consideration here by the committee, speaking for myself, I don't consider it a valid reason, and the question does become pertinent to this inquiry, certainly in the light of questions that members of the committee might want to ask after our investigator is through examining you.

So the question of whether or not you will answer that question or decline to answer it, and on that point if you desire to confer with counsel, of course, as I indicated in the beginning, you will have that privilege.

Mr. LOMANITZ. Yes.

Mr. WOOD. If you prefer to withhold it—if there is any reason in your mind why you feel you shouldn't answer it for your own protection, I will be glad to give you the opportunity to confer with counsel.

Mr. LOMANITZ. I see. Well, I think I can state this: That my own very strong personal basic feelings are that the freedom of my own conscience and everyone else's should be protected as a constitutional privilege.

Now, if the committee feels that is not a valid reason for declining to answer the question, then I must decline to answer on the ground



that I wish to protect my constitutional right of not being required to testify against myself.

Mr. NIXON. Mr. Chairman, may I ask a question?

Mr. WOOD. Yes.

Mr. NIXON. Do I understand that the witness is refusing to testify on the grounds of the fifth amendment?

Mr. WOOD. That he is protected under the Constitution.

Mr. HARRISON. Self-incrimination.

Mr. LOMANITZ. I have asked Mr. Wood whether or not the freedom of conscience was considered by the committee to be a valid reason for refusing to answer the question. Now, if the decision of the committee and if the law is so interpreted that this is not so, and I feel very strongly that this is the ground on which I do not wish to answer the question, then I wish to inquire of the committee whether I may decline to answer the question on the ground of not being compelled to testify against myself.

Mr. WOOD. On the question of self-incrimination?

Mr. LOMANITZ. I don't know the law, Mr. Wood.

Mr. WOOD. Let me explain it to you. I think I can very briefly, if the committee will listen to me and approve the ruling I am about to make.

That is, that in the purposes of this investigation it becomes material that this committee knows whether or not you ever have been affiliated directly with the Communist Party. It being thus material, the question of your own conscience about it isn't of any materiality to this committee, your preference or lack of preference to answer the question is of no materiality.

On the question of your right to refuse to answer, if you feel that an answer to that question would subject you to some criminal prosecution, that you would endanger your own safety and personal liberty by an answer to that question, you have a right to refuse because the Constitution protects people from giving testimony that would tend to incriminate them, and you would have a right to refuse to answer for that reason.

Mr. LOMANITZ. You mean if there is a possibility in my mind that an answer to this question might do that; is that correct?

Mr. WOOD. It is up to you. If you say for your own protection that you don't want to give an answer because it would tend to incriminate you, that is a matter for you to determine, and you have a right to do it.

Mr. LOMANITZ. I understand it is not valid that it is not considered to be a valid constitutional right of the freedom of conscience of political affiliations, not only of myself but all other individuals.

Mr. WOOD. That would not be a valid reason for your refusing to answer the question because the committee doesn't know whether you are or are not, and unless the answer to that question would tend to incriminate you, then you would not be entitled to the protection of the Constitution in refusing to answer.

Do I make myself clear?

Mr. LOMANITZ. I think you make the position of the committee clear, Mr. Wood.

Mr. WOOD. Does the committee agree?

Mr. NIXON. Yes. May I say that I agree with the chairman, but he witness has indicated that the position of the committee is clear.

I should also point out to the witness that the position of the courts is quite clear on this point. Other witnesses have come before the committee and refused to answer the question on the ground that you have indicated you would like to refuse to answer it on, that you feel it is an invasion of your right of privacy or something of that sort, and the courts have upheld the committee and the Congress in holding such witnesses guilty of contempt of the Congress.

The only legal ground, as the chairman has well pointed out, on which you can refuse to answer that question, the only ground recognized by the committee or by the courts, is the ground of self-incrimination; and if you wish to plead self-incrimination, you can, but otherwise, if you want to refuse to answer on some other grounds, you would have to be held in contempt of the committee and of the Congress.

Mr. LOMANITZ. I understand that has not yet been finally decided in all cases by the Supreme Court, but my understanding is you are correct as far as it has gone legally.

Mr. NIXON. And you were well aware of what the courts have held?

Mr. LOMANITZ. I am not very well aware of the legal matters.

Mr. NIXON. You knew which court it was in, though.

Mr. LOMANITZ. I think it was some court below the Supreme Court, which has ruled that.

Mr. WOOD. The point is: Do you understand now what the position of the committee is with reference to it?

Mr. LOMANITZ. I believe that I understand the position of the committee with reference to it.

Mr. WOOD. Right now, then, will you answer the question or do you decline to answer?

Mr. LOMANITZ. I will decline to answer the question on the ground of refusing to testify against myself.

Mr. WOOD. Do you mean by refusing to testify against yourself that the answer to the question asked you would tend to incriminate you? Is that what you mean to say, that it would put you in jeopardy?

Mr. LOMANITZ. It might tend to do so.

Mr. WOOD. Very well.

Mr. RUSSELL. Mr. Lomanitz, were you ever at any time a member of the Merriman branch of the Communist Party while you were employed at the radiation laboratory of the University of California?

Mr. LOMANITZ. I will have to give the same answer to that, Mr. Russell. There is no use of my going through the procedure again.

Mr. RUSSELL. Did you at any time solicit the membership of anyone in the Communist Party?

Mr. LOMANITZ. Again I will have to give the same answer.

Mr. RUSSELL. Do you know Joseph W. Weinberg?

Mr. LOMANITZ. Yes, I do.

Mr. RUSSELL. Did you solicit his membership in the Communist Party?

Mr. LOMANITZ. I will have to decline to answer that question on the same ground.

Mr. RUSSELL. Did he ever attend any Communist Party meetings at which you were present?

Mr. LOMANITZ. I will have to decline to answer that on the same ground.

Mr. RUSSELL. The testimony before the committee is that the Communist Party meetings were held in the homes of the various persons near the University of California. Will you furnish the names of these individuals who held these Communist Party meetings to the committee?

Mr. LOMANITZ. I will have to give the same answer to the question.

Mr. WOOD. Mr. Lomanitz, I would like to make this observation at this point: That there is no law that I know anything about that could possibly operate against a person for attending a Communist meeting. Many people who are not Communists have done that. So I don't think you would be protected under the Constitution on the ground of self-incrimination or even the remote possibility of it by declining to answer whether or not you have ever attended a Communist Party meeting or whether you know of any other individual who attended a meeting sponsored by the Communist Party. I don't think you would be protected under the Constitution for refusing to answer those questions. I don't see how they could possibly incriminate you.

Mr. LOMANITZ. That is your opinion, Mr. Wood, that there is no protection under the grounds that I brought up on the question of attending meetings held by the Communist Party?

Mr. WOOD. That is right.

Mr. LOMANITZ. It is my understanding, sir, that on the plea of refusing to testify against yourself on the ground that it might tend to incriminate you, that it is not necessary to go into the details of the way in which it might— isn't that correct—because that in itself, as I understand, might also tend to incriminate you, or am I wrong? I am not a lawyer.

Mr. WOOD. In the event of prosecution for contempt for refusing to answer that question, it would become very material as to whether or not it would tend to incriminate you, and I can conceive of no condition under which the answer to that question would incriminate you because there is no statute or no law or no construction of the courts so far that ever intended to hold that attending a meeting sponsored by Communists would incriminate you. If it did, members of the staff would be incriminated because they have attended them by direction of the committee. At least one member of this committee, I know, has attended some. I wouldn't object to answering it on the ground that it would incriminate me. I just don't think you have any legal protection for refusing to answer that question.

I just wanted to give the benefit of that thought now before you decline to answer those questions because I can't tell you what the Congress may do about it or what the courts may do about it. I am not threatening or even trying to intimidate you, but I am trying to give you the possible results of refusing to answer that question. I am as much interested in protecting your rights as you are. Likewise, I am interested in the work of this committee, trying to get at the facts.

Mr. LOMANITZ. Yes, sir. I came here in with the understanding that there was no threat, pressure, or intimidation involved.

Mr. WOODS. That is right, and I am trying to be perfectly fair with you and to give you the full benefit, but to advise you, if I can, what the possible results may be.

Now, with that information, I will ask you the question: Have you yourself attended any meetings which were known to be sponsored by a member of the Communist Party?



Mr. LOMANITZ. Have I attended meetings which I knew to be sponsored by a member of the Communist Party?

Mr. WOOD. Yes.

Mr. LOMANITZ. I will have to think about that. Would you give me a minute, Mr. Wood?

Mr. WOOD. Yes.

Mr. LOMANITZ. I am afraid I am going to have to decline to answer that question on the ground that it may tend to incriminate me.

Mr. WOOD. Well, is that your decision after due deliberation?

Mr. LOMANITZ. Yes, sir.

Mr. WOOD. Very well, Mr. Russell.

Mr. RUSSELL. Do you know a woman whose first name is Libby and at whose home Communist Party meetings were held in the vicinity of Berkeley, Calif?

Mr. LOMANITZ. A woman whose first name is Libby?

Mr. RUSSELL. Libby.

Mr. LOMANITZ. And at whose home Communist Party meetings were held?

Mr. RUSSELL. Yes.

Mr. LOMANITZ. I will have to refuse to answer that question on the same ground.

Mr. WOOD. Let me ask you: Do you know a woman whose first name is Libby?

Mr. LOMANITZ. I know a woman whose first name is Libby.

Mr. WOOD. What was her last name?

Mr. LOMANITZ. I don't really remember.

Mr. WOOD. Where did she reside?

Mr. LOMANITZ. In Berkeley.

Mr. WOOD. Do you know her address?

Mr. LOMANITZ. No, sir; I don't remember.

Mr. WOOD. Have you ever been to her home?

Mr. LOMANITZ. Yes, sir.

Mr. WOOD. And you don't remember the street number?

Mr. LOMANITZ. No, sir.

Mr. WOOD. Can you remember the name of the street?

Mr. LOMANITZ. I believe it was on Shattuck Avenue. I wouldn't want to state that under oath, but I believe that is correct.

Mr. WOOD. How many times have you been to her home?

Mr. LOMANITZ. I don't remember exactly.

Mr. WOOD. More than once?

Mr. LOMANITZ. I don't really remember. It must not have been very many, but I don't remember.

Mr. WOOD. Upon the occasion of each of your visits there, however many there were, were there other people present?

Mr. LOMANITZ. Even that is rather vague in my memory because, you see, this was approximately 6, 7, or 8 years ago. You see, Mr. Wood, things that are, I would say, important in my life or even that stand out for some reason or another are one thing, I can remember some things that happened 6 years ago quite clearly in terms of my induction into the Army, for example, but on the specific question you ask—

Mr. WOOD. I will change the question. At any time you have ever been to her home were there other people present? You certainly ought to be able to remember that.

Mr. LOMANITZ. I can't remember for sure, Mr. Wood. There probably were, but I can't remember for sure.

Mr. WOOD. Can you give us the names of any persons who were ever at her home at a time when you were present?

Mr. LOMANITZ. No, sir.

Mr. WOOD. You mean you cannot give us or you decline to give us the names?

Mr. LOMANITZ. No, sir; I can't actually remember. In other words, I remember an individual named Libby who lived on Shattuck Avenue, and I remember being at that place, but I cannot remember the circumstances very well.

Mr. WOOD. All I asked you was if you could name any individuals who were there present with you.

Mr. LOMANITZ. No, sir; I don't remember sufficiently well.

Mr. WOOD. Very well, Mr. Russell.

Mr. RUSSELL. Were meetings of the Merriman Branch of the Communist Party held in Libby's home?

Mr. LOMANITZ. I decline to answer that question on the same ground.

Mr. RUSSELL. Are you acquainted with any other members of the Merriman Branch of the Communist Party of the United States?

Mr. LOMANITZ. I decline to answer that question.

Mr. RUSSELL. Did you ever attend any meetings at Libby's home where there were members of the Merriman Branch of the Communist Party present?

Mr. LOMANITZ. I decline to answer that question.

Mr. RUSSELL. Did Joseph W. Weinberg ever visit Libby's home with you?

Mr. LOMANITZ. I don't remember. I don't believe he did, but I wouldn't want to swear to it under oath.

Mr. RUSSELL. Joseph W. Weinberg, was he a member of the Merriman Branch of the Communist Party?

Mr. LOMANITZ. Is Joseph Weinberg a member of the Merriman Branch?

Mr. RUSSELL. Was he a member?

Mr. LOMANITZ. I don't honestly know whether he was a member or not.

Mr. RUSSELL. Did he ever attend any meetings of the Merriman Branch of the Communist Party?

Mr. LOMANITZ. I don't know. Mr. Russell, I would suggest that you ask Mr. Weinberg these questions.

Mr. RUSSELL. We will.

Mr. LOMANITZ. All right.

Mr. WOOD. But you say that if he did, you don't know it. Is that what you mean to say?

Mr. LOMANITZ. I have no knowledge of Mr. Weinberg's membership in the Merriman Branch of the Communist Party.

Mr. RUSSELL. Was Mr. Weinberg a member of any branch of the Communist Party? A moment ago you declined to answer a question as to whether or not you had solicited his membership in the Communist Party on the ground of self-incrimination.

Mr. LOMANITZ. You are now asking me: Was Mr. Weinberg a member of the Communist Party?

Mr. RUSSELL. A member of any branch of the Communist Party.

Mr. LOMANITZ. Mr. Russell, again it seems to me as though these are questions that should be asked directly of Mr. Weinberg.

Mr. WOOD. The question was asked you. Now, the point is whether or not you answer or decline to answer. The question asked you is: Was Mr. Weinberg ever a member of any branch of the Communist Party? What is your answer to that?

Mr. LOMANITZ. In order to find out whether Mr. Weinberg was or was not for sure a member of the Communist Party, I am sure you would have to ask Mr. Weinberg. I could tell you some of my beliefs.

Mr. WOOD. How is that?

Mr. LOMANITZ. I could probably tell you my beliefs, one way or the other, but I don't see that it is pertinent.

Mr. WOOD. Do you know?

Mr. LOMANITZ. Mr. Wood, I am going to refuse to answer that question on the ground of incriminating myself.

Mr. RUSSELL. Did you solicit the membership of Joseph Weinberg in the Communist Party?

Mr. LOMANITZ. You asked the question before.

Mr. RUSSELL. I am asking the question again.

Mr. LOMANITZ. And I give the same answer.

Mr. RUSSELL. The same answer as you gave before?

Mr. LOMANITZ. That I decline to answer that question on the ground that it may tend to incriminate me.

Mr. NIXON. Mr. Chairman, may I make one suggestion? I don't see how the witness could plead self-incrimination on whether or not another person was a member of the Communist Party. In other words, if he knows that the person was or was not a member of the Communist Party.

Mr. HARRISON. Have we accepted his refusal on any number of these? We have not.

Mr. NIXON. I should think the witness should be instructed to answer on that point at least.

Mr. WOOD. I believe he has been definitely instructed as to what the probabilities would be, and I think you understand that.

Mr. LOMANITZ. As to what the probable result would be?

Mr. WOOD. Of the refusal.

Mr. LOMANITZ. Did I understand you to say probable result?

Mr. WOOD. Possible result.

Mr. LOMANITZ. As I understand it, let me explain it now and you can tell me if I have the correct interpretation. When a person refuses to answer on the ground that it may tend to incriminate him, then that means that the particular ways in which it may tend to do so, in which it may—mind you, I do not say “will”—in which it may tend to incriminate him or not are actually open to question on the ground that the questioning itself may also tend to incriminate—it may— isn't that correct?

Mr. WOOD. Sometimes they are very much open to question. There might be a very serious question raised about whether or not the answer to a particular question could possibly incriminate a witness or tend to incriminate him. There might be a very serious question about that. I don't propose to try to argue this question with you, but I will say to you that in my own personal opinion an answer to the question that has just been asked you as to whether or not a person had attended meetings sponsored by the Communist



Party, whether or not he knows of membership of a certain person in the Communist Party, wouldn't incriminate you or would not tend to incriminate you.

Mr. LOMANITZ. You understand, sir, that there is another thing involved here, which you have definitely declined to permit me to use as a reason for not answering, and that is this: That in my very strong opinion, my own or anyone else's political affiliations, personal life, or anything else are protected by the Constitution.

Mr. WOOD. Mr. Witness, I am not prohibiting you or trying to prohibit you from using any reason you desire to use.

Mr. LOMANITZ. I just wish to use a reason——

Mr. WOOD. Your refusal to answer the question—what I am trying, as studiously and fairly as I can, is to impress upon you the fact that a refusal to answer these questions that we are asking you, without some valid reason, might subject you to prosecution for contempt of the Congress, and I say that without any attempt to intimidate, but I am trying to give you the information which you seem already to have, that such a thing is possible and might be probable, if you arbitrarily refuse to answer a question the answer to which couldn't possibly tend to incriminate yourself.

Mr. LOMANITZ. That, of course, is a question on which I am not really aware in how far some of these things could or could not tend to incriminate me, and in order to be safe, I have to say they may tend to incriminate me.

Mr. WOOD. Proceed, Mr. Russell.

Mr. RUSSELL. Mr. Lomanitz, you would know whether or not you recruited Joseph Weinberg's membership in the Communist Party; wouldn't you?

Mr. LOMANITZ. I would know whether or not——

Mr. RUSSELL. You had ever recruited the membership of Joseph Weinberg in the Communist Party.

Mr. LOMANITZ. Mr. Russell, I am not absolutely sure that I understand all the workings there.

Mr. RUSSELL. I will change the question. If you recruited Joseph Weinberg as a member of the Communist Party or if you solicited his membership, you would know whether you did or not; wouldn't you?

Mr. LOMANITZ. If I have ever asked anyone to join the Communist Party—is that what you are saying?

Mr. RUSSELL. I am speaking of Joseph Weinberg, one individual person, at this time.

Mr. LOMANITZ. All right—if I have ever asked him specifically, then, to join the Communist Party, what you are asking me is: Would I know that I had asked him to? I am afraid I am somewhat confused here. I probably made a mistake in not insisting that my counsel try to break his appointment and be present with me. I wonder if we could withhold the answer to that question until I have had consultation with counsel.

Mr. RUSSELL. You will have to ask the Chairman.

Mr. WOOD. He has that right, to confer with counsel.

Mr. RUSSELL. Mr. Lomanitz, did you ever recruit or solicit the membership of Robert R. Davis and Charlotte Davis in the Communist Party?

Mr. LOMANITZ. I decline to answer that question on the same ground.

Mr. RUSSELL. On the ground of self-incrimination?

Mr. LOMANITZ. That it may tend to incriminate me.

Mr. RUSSELL. Do you know Steve Nelson?

Mr. LOMANITZ. I decline to answer that question on the ground that it may tend to incriminate me.

Mr. WOOD. Wait a moment. Let me see if I understand. You are asked now simply the question as to whether or not you are acquainted with a certain individual. Do you think there is any way on earth that an answer to that question could incriminate you?

Mr. LOMANITZ. Mr. Wood, there is a possibility in my mind. I say it is a remote possibility because I think a great deal is going to depend on what is going on in the courts today, but as long as there is a remote possibility—that is why I say “may.”

Mr. WOOD. I just wanted to know if you are familiar in your own mind with the fact that you are only asked now to identify a certain name, an individual bearing a certain name.

Mr. LOMANITZ. Well, sir, again I wish I had insisted that my counsel be present this morning, but I did not, and if you will put that question down also for me to obtain advice on——

Mr. WOOD. Very well.

Mr. CASE. I don't see how a simple question as to whether or not a witness knows a certain individual is incriminating.

Mr. WOOD. Mr. Case, the only thing I know that members of this committee can do is give our opinion that no court on earth would hold that to be self-incriminating, and with that information, it is up to him.

Mr. CASE. The simple fact of knowing an individual, I don't see how that can be self-incriminating.

Mr. LOMANITZ. I would like to make one thing clear. If the committee is interested in whether at any time I have ever been in any way disloyal to the United States and wishes to ask me specific questions on ways in which I have been disloyal to the United States, I will be pleased to answer those questions, for I have nothing to hide.

As I understood, this was the purpose of the inquiry, but it seems to me it has been going in a very round-about way, or perhaps I just don't understand.

Mr. RUSSELL. Do you consider it disloyal to the United States to be a member of the Communist Party?

Mr. LOMANITZ. Do I consider it disloyal?

Mr. RUSSELL. Yes.

Mr. LOMANITZ. I myself by no means consider it disloyal to the United States to be a member of the Communist Party. Now, I understand that the previous committee, not this committee, but the previous committee, has put itself on record—in fact, I have a statement in a printed document of the committee to this effect.

Mr. WOOD. The committee knows what it has put itself on record about.

Mr. LOMANITZ. I don't know whether that is this same committee, but it was the previous committee, but it has put itself on record——

Mr. WOOD. Even though there are members of the present committee who were not on the previous committee, they are familiar with that. You have been asked a question, and you gave a simple answer as to whether you consider membership in the Communist Party an act of disloyalty to the United States, your answer is “No.”



Mr. LOMANITZ. My answer to that is very definitely no. I am undoubtedly in disagreement with the committee on that.

Mr. NIXON. May I ask a question on that point?

Mr. WOOD. Yes.

Mr. NIXON. If your answer to that question is "No," then would you indicate why you feel that it would incriminate you to answer the question "Yes" or "No" as to whether or not you are a member?

Mr. LOMANITZ. Yes, I would be glad to indicate that: Because I am obviously in disagreement with the committee on this question and with certainly some of the courts on this question. As you pointed out yourself, I believe, Mr. Nixon, with reference to some of the cases that have been decided in some of the lower courts, at least, I obviously find myself in complete disagreement on this question; so, whereas I myself feel that there is no incrimination involved from my standpoint, I have to take into account what the standpoint of this committee, the courts, and so on, may be, and that is why I use the word "may"; or does that make sense?

Mr. NIXON. Your concern is over the possibility of a future holding of the courts to the effect that membership in the Communist Party would be illegal; is that correct?

Mr. LOMANITZ. I understand there is a trial on at the present time which is deciding a question somewhat similar to this, at least.

Mr. RUSSELL. If the decision in that trial is that the Communist Party does not advocate the overthrow of the United States Government by force and violence, would you then answer the question as to whether you were a member of the Communist Party?

Mr. LOMANITZ. Mr. Russell, it is hard for me to speculate on what would happen in the future if something else happens. If and when such occasion arises, if you ask me then, I can probably give an answer.

Mr. RUSSELL. The only inference that can be gained from that is that you are a member of the Communist Party of the United States.

Mr. LOMANITZ. Mr. Russell, perhaps that is your inference to be drawn from it. I want to repeat again that in my mind individuals must have their own freedom of conscience, regardless of whether I am or am not.

Mr. WOOD. Isn't that argumentative, gentlemen? Any further questions of the witness?

Mr. RUSSELL. No further questions.

Mr. WOOD. Mr. Harrison?

Mr. HARRISON. No questions.

Mr. WOOD. Mr. Moulder?

Mr. MOULDER. The objectives of this committee investigation are frustrated entirely if a witness is permitted to evade answers to a question on the ground that it may incriminate him unless he can give a specific reason as to why it might incriminate him.

Mr. WOOD. Mr. Nixon?

Mr. NIXON. Did I understand you to say that you did know Mr. David Bohm?

Mr. LOMANITZ. I don't believe that question was asked. However, if you wish to ask the question, I will be glad to answer it.

Mr. NIXON. Do you know Mr. David Bohm?

Mr. LOMANITZ. I know Mr. David Bohm quite well.

Mr. NIXON. Do you know Mr. Max Friedman?

Mr. LOMANITZ. I know Mr. Max Friedman quite well.

Mr. NIXON. And you also, of course, testified that you knew Mr. Weinberg.

Mr. LOMANITZ. I know Mr. Weinberg quite well, and I wish to say I have the utmost respect for all these individuals, their integrity, and their character.

Mr. NIXON. Is any one of these individuals a member of the Communist Party, to your knowledge?

Mr. LOMANITZ. Mr. Nixon, I think this is a question we finally decided I would have to consult my attorney on, questions similar to that.

Mr. NIXON. In other words, your answer to the question is that you wish to consult your attorney before answering?

Mr. LOMANITZ. That is correct.

Mr. NIXON. Could you say this: Could you indicate to the committee, just so that we can eliminate at least some of the matters which are before the committee that have to be counseled with your attorney, could you eliminate any one of these individuals as not being a member of the Communist Party?

If you could do that, it would be helpful to the committee. We are not only concerned about your own activities, but we are concerned about the activities of others. So, for example, I will just go over the list. Would you say Mr. Friedman is not a member of the Communist Party?

Mr. LOMANITZ. I have to consult my attorney on that, Mr. Nixon.

Mr. NIXON. Would you say that Mr. Bohm was not a member of the Communist Party?

Mr. LOMANITZ. I would have to consult my attorney on that.

Mr. NIXON. Would you say Mr. Weinberg was not a member of the Communist Party?

Mr. LOMANITZ. Again I would have to consult.

Mr. NIXON. Do you know Mr. Steve Nelson?

Mr. LOMANITZ. That question was asked before and again I ask permission to consult my attorney.

Mr. NIXON. You want to consult your attorney on that? I thought I understood you to say you could not answer that question on the ground of self-incrimination, but in this case you simply want to consult your attorney on Mr. Nelson?

Mr. LOMANITZ. My answer was I did not want to answer the question on the ground of self-incrimination. Mr. Wood pointed out in his opinion I could consult my attorney before giving such an answer.

Mr. NIXON. Do I understand as far as Mr. Nelson is concerned, before you say whether you even know him, you want to consult your attorney, but on the other three you are willing to say you know them but not whether they are members of the Communist Party?

Mr. LOMANITZ. I know Mr. Bohm, Mr. Weinberg, and Mr. Friedman very well, and I have known them for approximately 8 years.

Mr. NIXON. Do you know Mr. Nelson very well?

Mr. LOMANITZ. That is the question I thought we had decided I would consult my attorney on.

Mr. NIXON. Is the reason why you want to consult with your attorney as to whether or not you know Mr. Nelson that you know the others very well and have known them for 8 years, that you don't know Mr. Nelson very well, or is there some other reason why you feel you should consult your attorney?



Mr. LOMANITZ. I should wish to ask my attorney's advice.

Mr. NIXON. Before saying anything about Mr. Nelson, you want to ask your attorney's advice?

Mr. LOMANITZ. I gave an answer and was advised I could consult my attorney.

Mr. NIXON. You couldn't help the committee by saying you don't know Mr. Nelson at all?

Mr. LOMANITZ. I wish to consult my attorney.

Mr. NIXON. That is all.

Mr. WOOD. Mr. Case?

Mr. CASE. Mr. Lomanitz, you stated that you were a member of a certain union. What was the name?

Mr. LOMANITZ. Federation of Architects, Engineers, Chemists, and Technicians.

Mr. CASE. And you referred to certain activities of yours in that union. Were you ever an officer of the union?

Mr. LOMANITZ. Strangely enough, I don't remember for sure. I think I was, but I am not absolutely sure.

Mr. CASE. I think when you were referring to your experience with the draft board, you referred to certain activities in the union. What were those activities?

Mr. LOMANITZ. I very actively solicited membership in the union. We were organizing the union, Mr. Case, and when you organize a union, the first question is to get membership.

Mr. CASE. You were one of the organizers? You do remember that?

Mr. LOMANITZ. An organizer has a special connotation, as I understand. I was working at the radiation laboratory and a member of the union, and I was actively asking people to join the union. I understand that the word "union organizer" has a different connotation. I understand it is usually a paid person whose job is union organizing. In that sense I was not a union organizer. However, I was quite anxious for the union to grow.

Mr. CASE. You solicited membership but not for a fee?

Mr. LOMANITZ. That is right.

Mr. CASE. You don't remember whether you were an officer?

Mr. LOMANITZ. Not for sure.

Mr. CASE. When did the union collapse?

Mr. LOMANITZ. Apparently some time after I went into the Army, because when I came back after the war, it was certainly collapsed. I don't know the exact time.

Mr. CASE. None of your employers or prospective employers would agree to ask for your deferment?

Mr. LOMANITZ. That is not correct, Mr. Case. I will read that one paragraph here that, in fact, my immediate superior drew up such a statement—that is the statement of my value to the laboratory—and was informed by Doctor Shane that he could not release it without the approval of the area engineers. I can give you further background.

Doctor Shane had requested my deferment as a matter of course just a few days before this whole business of drafting happened, and what Doctor Shane told me was when it got to the area engineers office, it was not cleared.

Mr. CASE. How long did you serve in the Army?



Mr. LOMANITZ. About two and a half years.

Mr. CASE. At the time you were connected with this union how many members did it have?

Mr. LOMANITZ. I don't remember exactly, Mr. Case.

Mr. CASE. Was it purely a local or did it have a national affiliation?

Mr. LOMANITZ. The set-up was this: I will be as accurate as I can. At the radiation laboratory we had a local. Now, the union was a national union or perhaps they call it an international union, I don't know just what the technical term is, but it was an affiliate of the CIO. Our own union meetings were strictly and completely local union meetings. Do I make the point clear? There was a local at Emeryville in the Shell Development Corp., for example. It had its own local meetings with the employees of Shell, who were members of the union. We had our local meeting of the employees of the radiation laboratory at the University of California, who were members of the union.

Mr. CASE. You said you were quite interested in getting membership in the union. Do you recall who solicited your membership?

Mr. LOMANITZ. No, sir; I don't recall for sure.

Mr. CASE. Who do you think it was?

Mr. LOMANITZ. I couldn't tell you whether anyone actually solicited it or not. They may or may not have. I know that when I heard a union was being formed, I was all for the idea because there happened to be certain things that we thought a union could accomplish. I can list those things for you.

Mr. CASE. You say "we." Who were "we"?

Mr. LOMANITZ. The people in the union.

Mr. CASE. Do you recall some of your associates in the union?

Mr. LOMANITZ. Yes, I do recall some of my closest associates in the union. I don't recall every one. I am just turning over in my mind this question, Mr. Case. You put me in a spot because, you see, I don't have the faintest idea what this committee actually thinks about that union. If you could inform me on that—

Mr. CASE. That isn't your concern as to what we think. If you testify to simple facts—you have testified you were active in soliciting membership in the union, and you ought to remember some of your associates in the union. Who were some of them?

Mr. LOMANITZ. Did I make my point clear? That is to say, if membership in a union is looked upon in a derogatory way by this committee, for example, and I don't know whether it is or not, I would like a statement on this, and if it is, I might be jeopardizing someone.

Mr. WOOD. That isn't your concern. You are asked the simple question as to the names of people who were active in the union with you. If you know them, answer the question. That is all.

Mr. LOMANITZ. All right. The people that I remember as being most closely associated with me, active with me, were Mr. Friedman, Mr. Weinberg, and Mr. Bohm. There were other people active in different sections. We happened to work in the theoretical section of the project. There were other people in other sections with whom I was not so closely acquainted.

Mr. CASE. And the Bohm that you refer to is David Bohm?

Mr. LOMANITZ. Yes.

Mr. CASE. And the Friedman that you mentioned is Max Bernard Friedman?

Mr. LOMANITZ. It is Max Friedman.

Mr. CASE. And the Weinberg is Joseph Woodrow Weinberg?

Mr. LOMANITZ. Yes.

Mr. CASE. All three of them were with you employed in the Manhattan Engineering District at the radiation laboratory at the University of California?

Mr. LOMANITZ. Yes; the only point I am not quite sure about—in other words, we did not all get on the project at the same time, and I don't remember, for example, whether all of these people were actually employed by the project at the time I went into the Army or not. I believe they all were employed at that time. They were all there at one time or another employed on the project. I wouldn't want to swear to that under oath, but I believe that is true.

Mr. CASE. I was quite interested in your suggestion that freedom of conscience was involved. Just how is freedom of conscience involved in your desire to decline to answer certain questions?

Mr. LOMANITZ. Are you asking me for an expression of opinion, Mr. Case?

Mr. CASE. I am asking you as a matter of fact how your freedom of conscience was involved.

Mr. LOMANITZ. Well, I will sum it up about like this, provided Mr. Wood will assure me that my opinions are not being a subject of consideration for contempt.

Mr. WOOD. The committee is interested about your opinions and about your reaction.

Mr. LOMANITZ. Is it correct that if I state to you my opinion on this question as to just how freedom of conscience is involved, that I am not throwing myself open to jeopardy for contempt? Is that correct?

Mr. WOOD. That is correct.

Mr. LOMANITZ. Well, here are my opinions, more or less. I think that one of the fixed points in our American system of government and our Constitution, something I learned very sharply in the Army, that is that every individual has the right to his own personal life, his own political beliefs, without these having to be made public if the individual decides he does not wish to do so.

There are various reasons why an individual decides he does not wish to do so. I will give you an example.

You see, I have already told you my opinion about Communists. As far as I know, I would say I am in sharp disagreement with a person who says that a member of the Communist Party is necessarily disloyal to the Government of the United States.

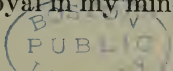
Mr. CASE. You are saying you think your conscience was perfectly free and your conscience would be perfectly free in joining the Communist Party; is that correct?

Mr. LOMANITZ. As far as my own personal conscience is concerned, I would answer your question, Mr. Case, yes, that just personally, my conscience would not hurt me in terms of being disloyal to the United States.

In terms of whether or not it jibes with my own basic feeling, that is a question I would have to decide for myself. Do you understand what I mean?

Mr. CASE. I think I understand.

Mr. LOMANITZ. That is, for a person who is a sincere Communist, there is nothing disloyal in my mind about being a Communist. For a





person who is not a sincere Communist, I think it is not squaring away with his own conscience if he is a Communist.

Mr. CASE. A sincere Communist could say, "I don't want to answer the question as to whether or not I am a member of the Communist Party or have ever been a member of the Communist Party because I had a perfectly clear conscience in becoming a member"; isn't that what you are saying?

Mr. LOMANITZ. I don't know. I am a little confused about what you are asking here.

Mr. CASE. I am trying to give you an opportunity to clarify your reference to your freedom of conscience as the reason for not answering the question.

Mr. LOMANITZ. As I understand, I was not permitted to refuse to answer the question on that ground. Isn't that correct, Mr. Wood?

Mr. CASE. Whether you were or not, I am trying to find out what you meant by freedom of conscience. You finally declined to answer the question on the ground of possible self-incrimination.

Mr. LOMANITZ. Yes.

Mr. CASE. But you sought to avoid answering in the first place on the ground of freedom of conscience.

Mr. LOMANITZ. That is correct.

Mr. CASE. And later you said you did not consider membership in the Communist Party an act of disloyalty to the country.

Mr. LOMANITZ. I do not necessarily consider it so, no, sir.

Mr. CASE. Then I am just trying to relate the two.

Mr. LOMANITZ. If you would state your question now specifically, perhaps I can answer it.

Mr. CASE. All right. When you decline to answer the question as to whether or not you were a member of the Communist Party, you sought to decline to answer on the ground that it would violate your freedom of conscience; is that correct?

Mr. LOMANITZ. Mine and the constitutional right, as I thought there was, at least, of other people as well, regardless of whether I or anyone else is or is not a Communist.

Mr. CASE. And your conscience would be perfectly free if you joined the Communist Party?

Mr. LOMANITZ. My conscience would not be free if I joined the Communist Party unless I were a sincere Communist. In other words, the question of conscience and question of disloyalty, it seems to me, have got to be separated. What I am saying is a person who is a sincere Communist, to my mind, is not necessarily disloyal in joining the Communist Party.

Mr. CASE. Then, should there be any reason why he would hesitate to say whether or not he was a sincere Communist?

Mr. LOMANITZ. I thought we went over that question when Mr. Nixon asked it. Perhaps, I misunderstand it. You say: Do I believe that a person who is a Communist should refuse to answer the question as to whether he is a Communist?

Mr. CASE. That wasn't the question. You said that if a man is a sincere Communist, his conscience should be clear.

Mr. LOMANITZ. I should hope it should be clear, Mr. Case. I would have a very low opinion of anyone whose conscience was not clear in what he was striving for. I would have a very low opinion of myself if I were an ardent Baptist, as far as attending meetings



was concerned, church meetings, but did it for reasons of prestige, or because I thought it would gain me a place in the community or something like that. I would consider myself insincere but not disloyal.

Mr. CASE. If you were not a member of the Communist Party wouldn't your conscience be clear in saying you were not a member?

Mr. LOMANITZ. That is why this freedom of conscience enters in this way; as I see it, you are still asking my opinion that regardless of what my own affiliations might be, I do not think anyone, Communist, non-Communist, Democrat, non-Democrat, Republican, non-Republican, Progressive, non-Progressive, should necessarily be compelled to state for everyone and anyone that this is the case. In other words, that is what I mean by freedom of conscience, that regardless what I am or anyone else is, we have a right to be and we have a right not to be questioned about it.

Now, Mr. Wood tells me that is incorrect, and, therefore, he does not permit me to use this as a basis for refusing to answer certain questions. That is perfectly clear, I guess, but if you ask about my personal beliefs, those are they.

Mr. MOULDER. Would you yield for just one question, Mr. Case?

Mr. CASE. Yes.

Mr. MOULDER. You stated that being a member of the Communist Party is not an act of disloyalty nor is it an act of treason.

Mr. LOMANITZ. That is my opinion.

Mr. MOULDER. Then, in what manner would you incriminate yourself by refusing to answer the simple question of whether or not you are a member of the Communist Party?

Mr. LOMANITZ. I believe that question was brought up before, was it not? That is to say—Well, I think it was answered before.

Mr. VELDE. I think he should answer the question, even if it has been brought up before.

Mr. LOMANITZ. Does the Chair desire me to answer the question?

Mr. WOOD. Answer the question.

Mr. LOMANITZ. Your question was exactly what, Mr. Moulder?

Mr. MOULDER. Probably, it should be read from the record. I think the record should show that the witness clearly is evasive in refusing to testify.

Mr. LOMANITZ. Pardon me, sir. The record should show what?

Mr. MOULDER. I asked the question—

Mr. LOMANITZ. What is the record supposed to show, that the witness is evasive?

Mr. MOULDER. In my opinion, the record should reveal and does reveal that you are evasive in refusing to testify on simple questions, refusing to cooperate with the committee.

Now, I asked you the question: Whereas, you have admitted that membership in the Communist Party is not an act of disloyalty—

Mr. LOMANITZ. Not "admitted." I have stated that this is my opinion.

Mr. MOULDER. Yes. Now, you have also stated that it is not an act of treason.

Mr. LOMANITZ. Again, I have stated that this is my opinion.

Mr. MOULDER. And it isn't a violation of law to be a member of the Communist Party.

Mr. LOMANITZ. I have stated this is my opinion.

Mr. MOULDER. Then, in what way, I ask you, do you feel that it would incriminate you to answer the question as to whether or not you are a member of the Communist Party?

Mr. LOMANITZ. Because, although this is my opinion, this opinion is not necessarily shared, as Mr. Nixon has abundantly pointed out, not necessarily by either this committee or some of the courts; or does that make sense to you?

Mr. MOULDER. Do you mean to say that there is a possibility that you might be prosecuted for the commission of some crime whereby your testimony as to whether or not you are a member of the Communist Party might be directly connected with the commission of a crime?

Mr. LOMANITZ. All I can really say is that under the present circumstances of my not knowing—I am no lawyer. All I can say is, in answering the question, I have refused to answer on the ground that it may tend to incriminate me.

Mr. MOULDER. In answer to that question, you would say it would have some bearing upon your connection with the commission of a crime?

Mr. LOMANITZ. I do not know the technical meaning of the phrase, Mr. Moulder. Mr. Wood has assured me that when I say that, one is not compelled to testify against oneself, that the proper phrasing is what one says may tend to incriminate; is that correct, Mr. Wood?

Mr. WOOD. Yes.

Mr. LOMANITZ. I would have to depend on Mr. Wood's advice as a lawyer on that score.

Mr. WOOD. I call your attention to the fact that I am not the only lawyer on this committee, sir. There are some very much better than I am.

Mr. NIXON. Will the gentleman yield for one question?

Mr. CASE. Yes.

Mr. NIXON. I am just interested in what you would consider as being disloyal, when you say that in your opinion membership or participation in the activities of the Communist Party does not indicate disloyalty. Would you say that it would be disloyal for a member of the Communist Party, who was employed at the radiation laboratory, to turn over information, confidential information, which he obtained in the laboratory, to representatives of the Russian Government?

Mr. LOMANITZ. I would say——

Mr. NIXON. Would that be disloyal?

Mr. LOMANITZ. I would say not only would that be disloyal, but it would be disloyal for any employee of the radiation laboratory to turn over any confidential material to anybody, foreign or American.

Mr. NIXON. Would you say it would be disloyal, then, for any Government employee to turn over any information to representatives of a foreign government, restricted information?

Mr. LOMANITZ. Would that be my definition of disloyalty?

Mr. NIXON. You would say that would be disloyal?

Mr. LOMANITZ. Anyone, Government employee or not, who turns over any confidential information to anyone else is disloyal. I don't care whether foreign or American.

Mr. NIXON. Then, you say that membership in the Communist Party does not indicate disloyalty, you don't take into consideration the fact that several members of the Communist Party who were



Government employees have done just exactly that. Would you say those members of the Communist Party have been disloyal in doing that?

Mr. LOMANITZ. I would say anyone who turns over any confidential information to anyone is disloyal.

Mr. NIXON. And some members of the Communist Party who do that are being disloyal; right?

Mr. LOMANITZ. They certainly would be if they have done that. I wouldn't know myself whether they did it or not, but if they did it, they are certainly disloyal.

Mr. NIXON. As a matter of fact, you are aware, aren't you, of the fact, too, that a Communist Party member who is employed by the Government, one of his duties is to turn over information where he can to representatives of the Communist Party?

Mr. LOMANITZ. I am utterly unaware of what you say being a fact.

Mr. NIXON. That is not the instructions that Communist Party members are given; is that it?

Mr. LOMANITZ. I am utterly unaware of it, Mr. Nixon.

Mr. NIXON. I am asking you. Are those instructions given to Communist Party members or are they not?

Mr. LOMANITZ. Mr. Nixon, to the best of my knowledge, how do you expect me to know? All I can tell you is, in my own opinion, membership in the Communist Party does not imply disloyalty to the United States.

Mr. NIXON. I asked you a direct question. Aren't members of the Communist Party instructed to turn over information which they obtained in Government positions to Communist representatives?

Mr. LOMANITZ. How am I supposed to know the answer to that question?

Mr. NIXON. You have indicated they weren't disloyal.

Mr. LOMANITZ. I say to the best of my belief, I believe that membership in the Communist Party does not by itself make a person disloyal, which implied automatically that it is my belief——

Mr. NIXON. In fact, when you answered the question in the first instance, you indicated very strongly, you said—I think the record will probably show—you said that you wanted to answer that emphatically that in your opinion membership in the party did not constitute disloyalty. You must have based that on some actual facts from your own experience, and I simply asked you whether or not you can testify that members of the Communist Party are not given instructions to turn over confidential Government information to Communist Party representatives.

Mr. LOMANITZ. Mr. Nixon, it is my opinion that this is a totally incorrect statement. I will state it now, it is just my opinion that this is an incorrect statement. All I can do is state that I strongly believe this is not true.

Mr. NIXON. And you have no facts to back it up?

Mr. LOMANITZ. So far as I know, that is not true.

Mr. NIXON. Do you have any facts to back up that opinion? If so, will you please give them to us for the purpose of the record?

Mr. LOMANITZ. Mr. Nixon, I don't know what——

Mr. NIXON. Opinions are based on facts. As a scientist, you are aware of that better than I am. Do you have any facts to back up



the opinion that membership in the Communist Party does not carry with it disloyalty?

Mr. LOMANITZ. All I can state to you, Mr. Nixon, is—I will tell you this: Many, many times I have found myself in agreement with what the Communist Party program is on many issues. I can name them for you.

Mr. NIXON. Have you ever been in disagreement with the Communist Party program on any issue?

Mr. LOMANITZ. I don't know.

Mr. NIXON. Well, you were going to name the cases in which you have been in agreement. Will you name one instance where you have ever been in disagreement with the Communist Party program?

Mr. LOMANITZ. I don't know whether I could recall any or not.

Mr. NIXON. But you can recall those with which you have been in agreement?

Mr. LOMANITZ. I can recall many in which I have been in agreement.

Mr. NIXON. I think the record speaks for itself, Mr. Chairman. No more questions.

Mr. CASE. You were asked a question as to whether or not you solicited membership of certain individuals in the Communist Party. I would like to ask this question: Did you ever solicit membership for anyone in the Communist Party?

Mr. LOMANITZ. I decline to answer that question on the same ground, Mr. Case.

Mr. CASE. On the ground of possible self-incrimination?

Mr. LOMANITZ. That is correct.

Mr. CASE. Would you like to state for the record two instances in which you find yourself in complete agreement with the principles or program of the Communist Party?

Mr. LOMANITZ. Two instances of agreement with the program of the Communist Party?

Mr. CASE. Yes.

Mr. LOMANITZ. One is on repeal of the Taft-Hartley Act, complete repeal of the Taft-Hartley Act. One of them is on support of the Wagner-Ellender-Taft housing bill. One of them is on the continuance of the Office of Price Administration.

Mr. CASE. That is an interesting line. Maybe you had better name three or four more. Would you like to name a few more?

Mr. LOMANITZ. Do you see any value in it in particular?

Mr. CASE. What?

Mr. LOMANITZ. Is there any particular value in it? I am sure there are many more.

Mr. CASE. As an identification of Communist Party line there might be.

Mr. LOMANITZ. Just what do you imply, Mr. Case?

Mr. CASE. Name three more. You have said you find yourself in agreement with many of them. Name three more.

Mr. LOMANITZ. Probably the earliest one I can remember is when the fight was going on in Spain. At that time, to the best of my knowledge, the Communist Party was putting forth the program of sending help to the Loyalist Government of Spain. I found myself in agreement that help should be sent to the Loyalist Government in Spain because at that time help was arriving indirectly to the Fascists.

Mr. CASE. That is one. Now two more.

Mr. LOMANITZ. Yes, I will name another one. I firmly and wholeheartedly believe in a Federal Fair Employment Act such as was issued by Executive order by Roosevelt.

Mr. CASE. That is No. 2. What is No. 3?

Mr. LOMANITZ. No. 3, I suppose I would say, is that everyone in the United States should have freedom of conscience, complete freedom of conscience.

Mr. CASE. That is all, Mr. Chairman.

Mr. NIXON. I have just one more question. Do you believe everybody in Russia should have freedom of conscience, too?

Mr. LOMANITZ. My own personal belief, Mr. Nixon?

Mr. NIXON. Yes.

Mr. LOMANITZ. Certainly.

Mr. NIXON. You do. Then you are critical of the present Communist policy of Russia in which they deny freedom of speech and freedom of conscience, do you think that is wrong?

Mr. LOMANITZ. I wouldn't know a great deal about that. I happen to be an American citizen, and the only country in which I am interested and in which I think I can do anything and change anything is the United States of America.

Mr. NIXON. You don't know anything about what happens in any foreign country except Spain?

Mr. LOMANITZ. Don't you think that is an unfair question?

Mr. NIXON. It certainly isn't an unfair question. You brought in Spain yourself.

Mr. LOMANITZ. I did, but I was talking in reference to policies of the United States Government. What goes on in a foreign country which has no connection with anything we in the United States can do about it is rather remote. The case of Spain was not at all remote. In the case of Spain it was the policy of our Government either to ship or not to ship arms to Spain.

Mr. CASE. I think the witness' reference to Spain was the act of Russia in sending help to aid the Loyalists in Spain.

Mr. LOMANITZ. No, sir; that was not the reference. The reference was that at that time I agreed with the program, as best I understood it, of the American Communist Party on that particular point of the United States Government sending help to Loyalist Spain.

Mr. VELDE. Will the witness be available later?

Mr. WOOD. Oh, yes. I understand there is some preliminary proceeding?

Mr. RUSSELL. There are a few things we have to do. Would you swear in Mr. Nelson?

Mr. WOOD. Mr. Nelson, will you come around, please?

Mr. HARRISON. As I understand, before this witness is discharged——

Mr. WOOD. He is not to be discharged.

Mr. LOMANITZ. What is that?

Mr. HARRISON. Nothing.

Mr. LOMANITZ. Does it pertain to me?

Mr. NIXON. Not yet.

Mr. WOOD. Will you stand, please, Mr. Nelson?

Do you solemnly swear the testimony about to be given will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. NELSON. I do.

Mr. RUSSELL. You are appearing before the committee by virtue of a subpoena served on you by Investigator Courtney Owens?

Mr. NELSON. Yes, sir.

Mr. RUSSELL. You are represented by Mr. Emanuel Bloch, who has been here before?

Mr. NELSON. Yes, sir.

Mr. RUSSELL. Mr. Lomanitz, will you stand? Can you identify this individual as being a person known to you?

Mr. LOMANITZ. Mr. Russell, pending further counsel with my lawyer, I refuse to answer that question on the ground that it may tend to incriminate me.

Mr. RUSSELL. This is Mr. Steve Nelson.

Mr. LOMANITZ. How do you do, Mr. Nelson [shaking hands with Mr. Nelson].

Mr. RUSSELL. Have you ever met the individual with whom you have just shaken hands in the home of Mr. Joseph Weinberg?

Mr. LOMANITZ. Mr. Russell, I decline to answer that question pending further counsel with my lawyer on the ground that it may tend to incriminate me.

Mr. RUSSELL. Mr. Nelson, is Mr. Lomanitz known to you?

Mr. NELSON. I refuse to answer that question because it may tend to incriminate me if I do.

Mr. RUSSELL. Have you ever met Mr. Lomanitz in the home of Joseph Weinberg?

Mr. NELSON. I think that the answer I gave now covers that.

Mr. RUSSELL. You refuse to answer that on the ground that it might tend to incriminate you?

Mr. NELSON. That is right.

Mr. RUSSELL. Mr. Chairman, I ask that Mr. Lomanitz be excused until May 11 at 10:30 a. m. In other words, your subpoena will be in effect and you will be notified at least 48 hours in advance whether you are to appear or not at that time.

Mr. LOMANITZ. Mr. Russell, could I make one request here? I have taken off some time from my teaching duties. The semester comes to an end on May 30. Is there any possibility of my appearance being postponed until it doesn't conflict with my teaching? I am sure you must understand how that is.

Mr. RUSSELL. I think, in the interest of the committee, it cannot be postponed beyond May 11.

Mr. WOOD. The committee will try. What day of the week is May 11?

Mr. RUSSELL. It is Tuesday.

Mr. WOOD. The committee will try to accommodate you, to get you away from here that night so that you won't lose but 1 day. You are entitled to your transportation up here at this time and you will be entitled to your transportation back.

Mr. MOULDER. May I ask a brief question?

Mr. WOOD. Yes.

Mr. MOULDER. Are you a member of any political party?

Mr. LOMANITZ. Mr. Moulder, I refuse to answer that question on the same ground, that it may tend to incriminate me.

Mr. RUSSELL. Will you excuse Mr. Lomanitz?

Mr. LOMANITZ. On this business about May 11, do I understand that I may or may not be called back then, and that if I am, I will be notified?



Mr. RUSSELL. That is correct.

Mr. CASE. Mr. Chairman, can we accept that kind of refusal to answer the simple question as to whether or not he is a member of any political party?

Mr. WOOD. We don't have to accept any declination. He makes the declination, but the committee isn't accepting any.

Mr. CASE. It isn't a crime to belong to a political party.

Mr. HARRISON. Mr. Chairman, it was my understanding that we hadn't accepted this witness' refusal to answer a number of those questions.

Mr. WOOD. Any of them.

Mr. HARRISON. I thought we were going to consider that further.

Mr. WOOD. We are, when he comes back, and give him an opportunity; and in the meantime we hope you will confer with your counsel with reference to questions that have been asked you that you decline to answer.

Is there anything else before we recess?

Mr. RUSSELL. We have one more individual, Mr. Chairman. Will you swear Mr. Joseph Weinberg?

Mr. WOOD. Hold up your hand, please. Do you solemnly swear the testimony about to be given will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WEINBERG. I do.

Mr. RUSSELL. Mr. Nelson, will you stand, please? Mr. Weinberg, will you face Mr. Nelson, the gentleman in back of you?

Mr. Nelson, I ask you whether you are acquainted with this individual, Mr. Joseph Weinberg?

Mr. NELSON. I refuse to answer that question on the ground that it may tend to incriminate me.

Mr. RUSSELL. Mr. Weinberg, I ask you whether or not you are acquainted with Mr. Nelson, the gentleman facing you?

Mr. WEINBERG. My only recollection of Mr. Nelson is a picture I have seen in the papers.

Mr. RUSSELL. Are you acquainted with him?

Mr. WEINBERG. I am not acquainted with him.

Mr. RUSSELL. Have you ever met Mr. Nelson?

Mr. WEINBERG. I do not recall ever meeting Mr. Nelson. I do not believe I have ever met him.

Mr. RUSSELL. Mr. Chairman, will you instruct Mr. Weinberg to appear here on May 11 at 10:30 a. m.?

Mr. WOOD. You are under subpoena, aren't you, Mr. Weinberg?

Mr. WEINBERG. Yes.

Mr. WOOD. It will hold good until the 11th of May at 10:30 o'clock in this room.

Subject to the call of the Chair, the committee will recess.

Mr. BLOCH. Mr. Chairman, may I inquire as to what the status of the witness Nelson is at the present time? I am representing him.

Mr. RUSSELL. We will instruct him to return on the same day at 10:30 a. m.

Mr. WOOD. May 11. The committee will stand in recess.

(Whereupon, at 12:10 p. m., the committee adjourned, to reconvene at the call of the Chair.)



# HEARINGS REGARDING COMMUNIST INFILTRATION OF RADIATION LABORATORY AND ATOMIC BOMB PROJECT AT THE UNIVERSITY OF CALIFORNIA, BERKELEY, CALIF.

WEDNESDAY, MAY 25, 1949

EXECUTIVE SESSION <sup>4</sup>

UNITED STATES HOUSE OF REPRESENTATIVES,  
COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

The Committee on Un-American Activities met pursuant to call at 10:30 a. m. in room 226, Old House Office Building, Hon. John S. Wood (chairman) presiding.

Committee members present: Representatives John S. Wood (chairman), Francis E. Walter, Burr P. Harrison, Morgan M. Moulder, Richard M. Nixon, and Harold H. Velde.

Staff members present: Frank S. Tavenner, Jr., counsel; Louis J. Russell, senior investigator; John W. Carrington, clerk; Donald T. Appell and William A. Wheeler, investigators; and A. S. Poore, editor.

(The first matter for consideration by the committee, being relative to the testimony of Philip O. Keeney and Mary Jane Keeney, has been printed together with their testimony under dates, May 24 and 25, and June 9, 1949. Therefore, testimony taken in this session and printed herein begins with the first sworn witness, as follows:)

Mr. Wood. Are you ready for the next witness?

Mr. Russell. Yes.

(Thereupon, David Joseph Bohm, accompanied by his counsel, Mr. Clifford J. Durr, entered the hearing room.)

Mr. Wood. Mr. Bohm, will you raise your right hand and be sworn? You solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Bohm. I do.

**TESTIMONY OF DAVID JOSEPH BOHM, ASSISTANT PROFESSOR,  
PRINCETON UNIVERSITY, PRINCETON, N. J. (ACCOMPANIED  
BY CLIFFORD J. DURR, ATTORNEY.)**

Mr. Russell. Please state your full name and present address.

Mr. Bohm. My full name is David Joseph Bohm, and my present address is Princeton, N. J.

Mr. Russell. When and where were you born?

Mr. Bohm. You want the city?

Mr. Russell. Yes.

Mr. Bohm. Wilkes-Barre, Pa.

<sup>4</sup> Testimony taken in executive session and released during public hearing, June 10, 1949.



Mr. RUSSELL. What date?

Mr. BOHM. December 20, 1917.

Mr. RUSSELL. Where are you presently employed?

Mr. BOHM. I am presently employed at Princeton University.

Mr. RUSSELL. In what capacity?

Mr. BOHM. Assistant professor.

Mr. RUSSELL. Will you furnish the committee with a résumé of your educational background?

Mr. BOHM. I have not been asked to do so.

Mr. RUSSELL. Will you do so?

Mr. BOHM. Yes. Where do you want me to start?

Mr. RUSSELL. Pennsylvania State College.

Mr. BOHM. Pennsylvania State College, I went 4 years there, and got a B. S. degree.

Mr. RUSSELL. 1935 to 1939?

Mr. BOHM. That is right. I went to California Institute of Technology 2 years.

Mr. RUSSELL. At Pasadena, Calif.?

Mr. BOHM. Pasadena, Calif.

Mr. RUSSELL. 1940 and 1941?

Mr. BOHM. Yes. And the University of California, Berkeley, Calif., 1941 to 1943. I got a Ph. D. degree there.

Mr. RUSSELL. Would you furnish the committee with a résumé of your employment background?

Mr. BOHM. Just before getting my degree I worked for the Radiation Laboratory at the University of California. I can't remember the exact date. It was roughly in 1942, in the fall. I worked there until, I believe, September 1946, although I wouldn't be quite sure of that date, either. Then I worked as a research associate in the University of California physics department until the following February, that is, in 1947, I believe. Since then I have been with Princeton University.

Mr. RUSSELL. For how long a period were you employed by the Manhattan Engineering District as such?

Mr. BOHM. I believe it was from the fall of 1942 until the fall of 1946.

Mr. RUSSELL. When you attended California Institute of Technology at Pasadena, were you acquainted with or did you become acquainted with an individual named Frank Malina?

Mr. BOHM. I can't recall his name. I do not recall any such person.

Mr. RUSSELL. Have you ever been acquainted with an individual named Frank Palma?

Mr. BOHM. I do not recall any such person either.

Mr. RUSSELL. At the California Institute of Technology did you meet or become acquainted with Jacob Dubnoff?

Mr. BOHM. I don't recall such a person.

Mr. RUSSELL. Have you ever been acquainted with an individual named Sidney Weinbaum?

Mr. BOHM. I do not recall any of these people.

Mr. RUSSELL. Have you ever been acquainted with Orla Lair?

Mr. BOHM. I do not recall any such person.

Mr. RUSSELL. Have you ever been acquainted with an individual named Gustav Albrecht?

Mr. BOHM. I do not recall any such person.

Mr. RUSSELL. Have you ever been acquainted with an individual named Richard N. Lewis?

Mr. BOHM. I do not recall any such person.

Mr. RUSSELL. Have you ever been acquainted with an individual named Sidney Goldstein in the vicinity of Pasadena, Calif.?

Mr. BOHM. I do not recall any such person.

Mr. RUSSELL. While you were employed at the Radiation Laboratory at the University of California, did you have access to classified information?

Mr. BOHM. Yes.

Mr. RUSSELL. Mr. Bohm, have you ever been a member of the Young Communist League?

Mr. BOHM. I can't answer that question on the ground it might tend to incriminate and degrade me, and, also, I think it infringes on my rights as guaranteed by the first amendment.

Mr. WOOD. Would you mind repeating your answer?

Mr. BOHM. I can't answer that question because it might tend to incriminate and degrade me, and also because it might infringe on my rights as guaranteed by the first amendment.

Mr. WOOD. What particular rights guaranteed by the first amendment?

Mr. DURR. He is not a lawyer. I think it would be freedom of assembly and association and freedom of speech.

Mr. WOOD. I am a little curious to know how his rights under the first amendment to the Constitution would be infringed by his answer to that question.

Mr. DURR. Would you want something in the way of a legal brief, or just a short statement from me? I think that an inquiry of this kind, with the consequences that might result to him in the public mind from the standpoint of membership or nonmembership in an organization of that kind, would certainly impair his freedom of association in associating with people.

Mr. WOOD. I am addressing my remarks now to the witness.

Having thus been advised by your counsel, do I understand you decline to answer the question?

Mr. BOHM. Yes, sir.

Mr. WOOD. And for the reason stated?

Mr. BOHM. Yes, sir.

Mr. RUSSELL. Mr. Bohm, are you now or have you ever been a member of the Communist Party?

Mr. BOHM. I decline to answer the question for the same reasons as just stated.

Mr. RUSSELL. While you were employed by the Manhattan Engineering District, were you a member of the Communist Party or the Communist Political Association or the Young Communist League?

Mr. BOHM. I decline to answer that question for the same reasons.

Mr. RUSSELL. While employed by the Manhattan Engineering District, did you ever attend Communist Party meetings?

Mr. BOHM. I decline to answer that question for the same reasons as already stated.

Mr. RUSSELL. While stationed in the Radiation Laboratory at Berkeley, Calif., did you become acquainted with Joseph Weinberg?

Mr. BOHM. Yes.

Mr. RUSSELL. Did you ever attend a Communist Party meeting with Joseph Weinberg?

Mr. BOHM. I decline to answer that question for the same reasons stated.

Mr. RUSSELL. Were you acquainted with Steve Nelson?

Mr. BOHM. I decline to answer that question for the reasons stated.

Mr. WOOD. Just a moment, at this point. I would like you, if you will, to explain to the committee in what way you feel that it would be an infringement of your rights under any provision of the Constitution to answer a question as to whether or not you know a certain individual.

Mr. BOHM (to Mr. Durr). Shall I answer that, or will you answer it? I prefer counsel answer it.

Mr. WOOD. I would prefer you answer it. I have no objection to your conferring with counsel.

Mr. BOHM (after conferring with Mr. Durr). Mr. Nelson is already well known as a member of the Communist Party, and to become acquainted with him might be regarded as having close associations with the Communist Party.

Mr. WOOD. You mean just to be acquainted with him?

Mr. BOHM. Yes.

Mr. WOOD. Many persons not affiliated with the Communist Party could be acquainted with Mr. Nelson.

Mr. DURR. I don't think the witness is qualified to make legal arguments here.

Mr. WOOD. I don't want arguments. I am asking for reasons; if he has any reasons for not answering a question as to whether or not he knows a certain individual.

Mr. DURR. He has been asked about membership or nonmembership in the Communist Party, and attendance or nonattendance at Communist meetings. He is now asked about an individual who, according to the press, is an open and avowed member of the Communist Party, and it seems to me you get into the same field of inquiry you get into when you ask about attending Communist meetings and things of that sort.

Mr. WALTER. Do you take the position that attending a Communist Party meeting reflects on the person who attends the meeting?

Mr. DURR. I think in the climate that exists today it would reflect on a person. Suspicions would be aroused if a person did attend such meetings. We have at the moment an indictment and a trial of members of the Communist Party on the ground of a conspiracy to teach proscribed doctrines. Any association with that would raise inferences in people's minds about it. What the consequences would be is hard to anticipate. If there are charges that he has been associated with Communists, I think the place for that to be determined would be in a judicial hearing if such charges are made.

Mr. WOOD. Let the record disclose that a quorum of the committee is present, consisting of Mr. Walter, Mr. Harrison, Mr. Moulder, Mr. Nixon, Mr. Velde, and the chairman.

In the light of the statements that have been made by your counsel, I ask you again: Do you know an individual, or have you ever known an individual, known as Steve Nelson?



Mr. BOHM. I want to answer it in the same way, by saying I agree fully with my counsel; I back up the statement of my counsel. I can't answer the question on the ground it might tend to incriminate or degrade me.

Mr. WOOD. You don't mean you can't answer it?

Mr. BOHM. I decline to answer it.

Mr. WOOD. On the ground it might tend to incriminate and degrade you?

Mr. BOHM. Yes.

Mr. WOOD. And it is on that ground you decline to answer?

Mr. BOHM. Yes, sir.

Mr. NIXON. You have stated you decline to answer whether you know Mr. Nelson on the ground it might tend to incriminate you, and you explain that by saying Mr. Nelson is a known member of the Communist Party. Is that what I understood you to say?

Mr. BOHM. Yes.

Mr. NIXON. Is Mr. Weinberg a known member of the Communist Party?

Mr. BOHM. I can't answer that for the same reason.

Mr. NIXON. You have stated Mr. Nelson is a known member of the Communist Party. I am asking you whether Mr. Weinberg is a known member of the Communist Party.

Mr. DURR. I think you have a different question in asking about Mr. Nelson.

Mr. NIXON. Counsel may confer with the witness if he wishes, but let the witness answer.

Mr. BOHM (after conferring with Mr. Durr). My answer is that I decline to answer that question on the ground of self-incrimination; on the ground it might tend to incriminate or degrade me.

Mr. NIXON. That is all.

Mr. WALTER. I would like to ask at this point the same question I asked the witness on yesterday: Where in the Constitution is there anything that permits a person to decline to answer a question on the ground that the answer might degrade the person?

Mr. BOHM. I would prefer my counsel answer that.

Mr. DURR. The Constitution relates to self-incrimination in the legal sense of the term. I think you have another practical problem. Frankly, I can't give you the citation of a court decision dealing with this problem at the moment, but I think in the present atmosphere there are special and economic consequences that are very sincere, and I think they are some that the court would very likely take notice of.

Mr. WALTER. Certainly the Constitution cannot be amended, because people have ideas about the Communist movement, without the formality of action by the Congress and the States, and it would seem to me, ever since I have heard that excuse or reason, that an attempt is being made to enlarge the Constitution.

Mr. DURR. It may be that the Constitution will be interpreted a certain way. I can't say how the courts will interpret the Constitution. I haven't a case at hand of that kind. But I think whatever the penalties of a man's testimony might be, whether prosecution in court or being barred from employment, they are very real penalties.

Mr. TAVENNER. Mr. Chairman, I have a case at hand from the Supreme Court of the United States if you would like to hear it.

Mr. WOOD. Let's hear it.

Mr. TAVENNER. It is *Brown v. Walker* (161 U. S. 591) in which the Supreme Court said:

\* \* \* as we have already observed, the authorities are numerous and very nearly uniform to the effect that, if the proposed testimony is material to the issue on trial, the fact that the testimony may tend to degrade the witness in public estimation does not exempt him from the duty of disclosure.

And in the course of this same opinion, the Court stated:

\* \* \* the fact that the testimony may tend to bring the witness into disrepute though not to incriminate him, does not entitle him to the privilege of silence.

Mr. WALTER. That is why I asked the question. It seems to me that by giving that as a reason, the attempt is being made to enlarge the protection given a person by the Constitution of the United States.

Mr. DURR. We have assigned three grounds for the refusal to testify: One is the self-incrimination; one is the rights under the first amendment; and the third is that the response might tend to degrade, impair a man's reputation, bar him from the normal opportunities of practicing his profession and obtaining employment.

Another case I would like to refer to is the Lovett-Watson-Dodd case, in which the Supreme Court of the United States said that to prescribe a man, to declare him, subversive to his country, was punishment in the very real sense of the term, and was the type of punishment that could be imposed only by the courts after judicial proceedings.

Mr. WALTER. You are not seriously contending that that is a precedent for the question here?

Mr. DURR. It has a bearing. I am very seriously contending that; yes, sir.

Mr. NIXON. As a matter of fact, counsel is well aware of the fact that the Lovett-Watson-Dodd case involved a specific act of Congress which denied those men their employment, and I think you are certainly stretching a dictum as far as I have ever heard of one being stretched in applying it to this case.

Mr. DURR. There were also involved the findings of the Kerr committee of Congress.

Mr. NIXON. Yes, but the decision was based squarely upon what the Congress had done in regard to these people, and I am sure counsel is well aware of the difference between findings and dictum.

Mr. DURR. Perhaps the committee and I will disagree as to what the decision in the Lovett case was. Until the Supreme Court is clearly faced with that particular question, neither of us will know what the ultimate answer is going to be, but I do very sincerely think that the decision of the Court in the Lovett case has a definite bearing upon this question that is being raised right here.

Mr. WOOD. Aside from the implications by counsel, the simple question at the moment is the question of identification of an individual who is not present, whether or not the person interrogated about is a member of the Communist Party.

Mr. DURR. There is a prosecution going on right now in New York of the leaders of the Communist Party.

Mr. WOOD. We are aware of that, but I want again to ask the witness whether or not the witness is acquainted with the fact that Joseph Weinberg is a member of the Communist Party.



Mr. BOHM. I decline to answer that again on the same grounds of self-incrimination.

Mr. WOOD. That it would tend to incriminate you?

Mr. BOHM. It might tend to incriminate or degrade me, and, also, it might infringe on my rights under the first amendment to the Constitution. As my counsel has stated, we are suggesting three grounds for declining to answer this question.

Mr. MOULDER. May I ask a question?

Mr. WOOD. Mr. Moulder.

Mr. MOULDER. Are you a member of or affiliated with any political party or association?

Mr. BOHM. Yes, I am. I would say "Yes" to that question.

Mr. MOULDER. What party or association is that?

Mr. BOHM. I think [after conferring with Mr. Durr] I would say definitely that I voted the Democratic ticket.

Mr. MOULDER. That is not responsive to my question. I asked if you were a member of any political party or association.

Mr. BOHM. How does one become a member of the Democratic Party?

Mr. DURR. Did you register as a Democrat in California or wherever you voted?

Mr. RUSSELL. Did you ever attend a Communist Party meeting which was addressed by Steve Nelson?

Mr. BOHM. I decline to answer that question on the same three grounds that have already been given.

Mr. RUSSELL. Mr. Bohm, you are familiar with the term "Communist cell" or "Communist branch," are you not?

Mr. BOHM. Yes; I have certainly seen such terms used in the papers very often.

Mr. RUSSELL. Was there a Communist cell or a Communist branch set up among the employees in the radiation laboratory of the University of California?

Mr. BOHM. I decline to answer that question on the same three grounds.

Mr. RUSSELL. Did you ever attend a Communist Party meeting addressed by Rudy Lambert?

Mr. BOHM. I decline to answer that question on the same three grounds that have already been given.

Mr. RUSSELL. Do you know Rudy Lambert?

Mr. BOHM. I decline to answer on the same three grounds.

Mr. RUSSELL. Did you ever attend a Communist Party meeting addressed by Marcel Scherer?

Mr. BOHM. I decline to answer on the same three grounds.

Mr. RUSSELL. Do you know Marcel Scherer?

Mr. BOHM. I decline to answer on the same three grounds.

Mr. RUSSELL. Did you ever attend a Communist Party meeting with Kenneth May?

Mr. BOHM. I decline to answer on the same three grounds.

Mr. RUSSELL. Do you know Kenneth May?

Mr. BOHM. I decline to answer on the same three grounds.

Mr. NIXON. Mr. Chairman, may I interpose an observation at this point?

Mr. WOOD. Yes.



Mr. NIXON. The witness in each case is declining to answer on the three grounds he stated: (1) It might tend to incriminate him; (2) it violates his right of free speech and assembly under the first amendment; and (3) it might tend to degrade him, under no amendment.

I think it should be made clear that the only ground which this committee recognizes, or has recognized, as being a legitimate ground, is the fifth amendment, as far as its hearings are concerned. We have, in times past, had similar cases where various persons would come before the committee and refuse to answer under the first amendment. Those people have been held in contempt of Congress, and those decisions have been upheld by all courts to date. I want to make that observation.

Mr. HARRISON. The committee has not recognized that any of these grounds apply, as I understand it.

Mr. WOOD. I was going to suggest that so far as I know the grounds stated have never been recognized as legitimate grounds for refusing to answer.

Mr. HARRISON. As technical grounds.

Mr. DURR. I appreciate that is the position of the committee. I am talking about what the position of the courts might be.

Mr. WOOD. The committee is seeking to carry out the functions it is charged with under the action of the Congress in establishing this committee as a standing committee of the House. The information thus sought to be elicited from the witness is material to its investigations, and the committee, so far as I know, is of the opinion that the answer to this question in no sense comes under the purview of the protection under the Constitution against self-incrimination. We feel that we are entitled to the information sought by the question as asked. The consequences of his failure to do that, the committee is not concerned with except that it is going to undertake to obtain the information it seeks.

Mr. MOULDER. Mr. Chairman, may I ask a question?

Mr. WOOD. Mr. Moulder.

Mr. MOULDER. Do you have any knowledge or know of any reason or any act on your part which would probably result, or might result, in criminal proceedings being instituted against you?

Mr. BOHM. If I answer that question it might also tend to incriminate myself, so I must decline to answer that question for the same reasons.

Mr. DURR. Have you ever been engaged in espionage—

Mr. WOOD. Just a moment. The rule of the committee is that counsel may confer with his client, but the committee cannot permit interrogation by counsel for the witness.

Mr. DURR. If that is the rule of the committee, I will abide by it.

Mr. WOOD. I would like the record to disclose that there has been no interference with the right of counsel to fully advise with his client.

Mr. DURR. I will abide by the rule of the committee in that respect.

Mr. RUSSELL. Mr. Bohm, are you acquainted with anyone by the name of Sylvia Crouch?

Mr. BOHM (after conferring with Mr. Durr). I refuse to answer that, again on the same three grounds.

Mr. RUSSELL. Do you know anyone known as Mrs. Paul Crouch?

Mr. BOHM. I decline to answer on the same three grounds.

Mr. RUSSELL. While you were employed by the radiation laboratory at the University of California, did you ever discuss the work being performed by the laboratory in connection with atomic development with anyone not employed by the laboratory and who was a member of the Communist Party?

Mr. BOHM. No. To the best of my knowledge I would say "No."

Mr. RUSSELL. Are you acquainted with Irving David Fox?

Mr. BOHM. Yes.

Mr. RUSSELL. Did you ever attend a Communist Party meeting with Irving David Fox?

Mr. BOHM. I decline to answer that question on the same grounds.

Mr. RUSSELL. Are you acquainted with Giovanni Rossi Lomanitz?

Mr. BOHM. Yes.

Mr. RUSSELL. Did you ever attend a Communist Party meeting with him?

Mr. BOHM. I decline to answer that question on the same three grounds.

Mr. RUSSELL. Did Mr. Lomanitz recruit you into the Young Communist League, or into the Communist Party of the United States?

Mr. BOHM. I decline to answer that question on the same grounds.

Mr. RUSSELL. Are you acquainted with Max Bernard Friedman?

Mr. BOHM. Yes.

Mr. RUSSELL. Where is Mr. Friedman presently employed?

Mr. BOHM. I can't be sure, but he is probably at the University of California.

Mr. RUSSELL. Do you know his present address?

Mr. BOHM. I couldn't be sure of it.

Mr. RUSSELL. Did you ever attend a Communist Party meeting with Max Bernard Friedman?

Mr. BOHM. I decline to answer that question on the same three grounds.

Mr. RUSSELL. I have no further questions.

Mr. WOOD. Do you have any questions, Mr. Walter?

Mr. WALTER. No.

Mr. WOOD. Mr. Harrison?

Mr. HARRISON. No.

Mr. WOOD. Mr. Moulder?

Mr. MOULDER. No.

Mr. WOOD. Mr. Nixon?

Mr. NIXON. No questions.

Mr. WOOD. Mr. Velde?

Mr. VELDE. No.

Mr. WOOD. The witness may be excused.

Mr. HARRISON. Are you excusing him?

Mr. WOOD. He is not permanently excused, but he is excused from the hearing room. We may recall him.

Mr. MOULDER. Off the record, Mr. Chairman.

(Discussion off the record.)

(Hearing continued with testimony of other witnesses which is not included in this publication.)





# HEARINGS REGARDING COMMUNIST INFILTRATION OF RADIATION LABORATORY AND ATOMIC BOMB PROJECT AT THE UNIVERSITY OF CALIFORNIA, BERKELEY, CALIF.

FRIDAY, JUNE 10, 1949

UNITED STATES HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE COMMITTEE  
ON UN-AMERICAN ACTIVITIES,  
*Washington, D C.*

A subcommittee of the Committee on Un-American Activities met pursuant to call at 11:05 a. m., in room 226, Old House Office Building, Hon. John S. Wood (chairman) presiding.

Committee members present: Representatives John S. Wood, Francis E. Walter, John McSweeney, and Richard M. Nixon.

Staff members present: Frank S. Tavenner, Jr., counsel; Louis J. Russell, senior investigator; Benjamin Mandel, director of research; William A. Wheeler, investigator; and A. S. Poore, editor.

Mr. WOOD. The committee will be in order.

You may proceed, Mr. Counsel.

Mr. TAVENNER. Dr. Lomanitz.

Mr. RUSSELL. Mr. Chairman, Mr. Lomanitz has been sworn before.

Mr. WOOD. Yes, he was sworn when he was here recently.

## TESTIMONY OF GIOVANNI ROSSI LOMANITZ

Mr. RUSSELL. Mr. Lomanitz, you are appearing before the committee under the continuation of a subpoena served upon you by the United States marshal at Nashville, Tenn., are you not?

Mr. LOMANITZ. The subpoena was served at Nashville. I presume the continuance is legally binding. I have not checked into that.

Mr. RUSSELL. The last time you appeared you mentioned the fact that you had consulted counsel. Do you desire counsel at today's hearing?

Mr. LOMANITZ. That is hard for me to say. I consulted counsel. I found out that counsel's fees are high, as you gentlemen who are lawyers know. And finally when I brought it up in this way to the counsel himself, he suggested that it might possibly be a good idea, although he wasn't sure, and that was that I should be prepared to call upon him if it became necessary, but that in order to save myself from going into debt over fees in the order of hundreds of dollars that it would be better if I so thought to appear here without counsel.

Now, I understand that Mr. Wood told me at one time at the previous meeting that if on any occasion I should desire counsel I could

request counsel at that time. And in my financial situation I am afraid I am forced to do this.

Mr. RUSSELL. Well, you have had ample opportunity to—

Mr. WOOD. We cannot hear you up here. Would you speak just a little bit louder, please?

Mr. LOMANITZ. Yes, sir.

Mr. RUSSELL. Would you state your full name?

Mr. LOMANITZ. The first name is Giovanni—G-i-o-v-a-n-n-i. Middle name is Rossi—R-o-s-s-i. The last name is Lomanitz—L-o-m-a-n-i-t-z.

Mr. RUSSELL. What is your present address?

Mr. LOMANITZ. At the present time my wife and I are on vacation. At the present time she is stranded in a tourist court in Oklahoma City, which address I believe you have on file—Alamo Tourist Court, Forty-fourth and South Robinson, room 610.

Mr. RUSSELL. Have you given up your address in Nashville, Tenn.?

Mr. LOMANITZ. Our plans will probably be uncertain for some time to come. I have got to go to Cornell to finish up 2 or 3 weeks' work on my degree. We have the problem of supporting ourselves through the summer. Then we have to make our decision as to just what our future plans will be. So I couldn't say for sure just what our permanent address will be, whether it will be the Nashville address or some other address. However, for the next 3 months I am sure we will be in a state of flux.

Mr. RUSSELL. Would you furnish the committee with a résumé of your educational background?

Mr. LOMANITZ. Is it necessary for me to repeat this? I believe I answered the question.

Mr. RUSSELL. I will read it into the record if you want me to.

Mr. LOMANITZ. Why don't you do that?

Mr. RUSSELL. All right. If I make any errors, will you correct me?

You attended Central High School in Oklahoma City from 1933 to 1936, the University of Oklahoma at Norman, Okla., from 1936 to 1940, from which institution you received a bachelor of science degree. You attended the University of California at Berkeley, Calif., from 1940 through 1943.

I will also ask you to furnish a résumé of your employment background.

Mr. LOMANITZ. If you care to read that off the record I will verify that too.

Mr. RUSSELL. All right.

Mr. LOMANITZ. Incidentally, the education record is not quite complete.

Mr. RUSSELL. That is as much as we have. I can read from your previous testimony.

Mr. NIXON. What do you wish to add to the educational background?

Mr. LOMANITZ. I believe I added it last time. I can repeat it briefly. In 1946 I spent another year at the University of California at Berkeley. In 1947—I guess it was 1947—I went to Cornell University at Ithaca and spent a year and a half there.

Mr. RUSSELL. With reference to your employment background from September 1937 to June 1940 you were employed as a teaching assistant by the University of Oklahoma.

Mr. LOMANITZ. That is not quite correct. I was on this National Youth Administration work for 1 or 2 years there, and I was employed by the department of physics for the other year or two doing laboratory work and teaching assistant work.

Mr. RUSSELL. According to the further information we have, you were employed as a teaching assistant at the University of California from August 1940 to June 1942. Is that correct?

Mr. LOMANITZ. Yes; that is correct.

Mr. RUSSELL. From June 1942 until September 1943 you were employed as a physicist for the radiation laboratory at the University of California at Berkeley? Is that true?

Mr. LOMANITZ. June of 1942 till September of 1943 I think are the dates.

Mr. RUSSELL. That employment was under the Manhattan Engineering District, was it not?

Mr. LOMANITZ. At least it was eventually. I never did understand the set-up. I think it was for a while under the Office of Scientific Research and Development or some such organization. I am not sure. Then I understand at some time it went over to the Manhattan District. I couldn't tell you just when it happened or even whether it happened during my employment, but I believe sometime during my employment it went under the auspices of Manhattan.

Mr. RUSSELL. From September 20, 1943 until April 3, 1946 you were in the United States Army. Is that true?

Mr. LOMANITZ. Correct.

Mr. RUSSELL. From May 20, 1946 until September 11, 1946 you were employed by the radiation laboratory at the University of California? Is that true?

Mr. LOMANITZ. It is certainly approximately true. I couldn't guarantee the dates.

Mr. RUSSELL. Subsequent to that you were employed by Cornell University, were you not?

Mr. LOMANITZ. I was teaching assistant at the University of California during that year beginning in September 1946 when I went back to the University of California to work on my degree. Then I was teaching assistant at Cornell University when I went there in 1947 until I left. When I left Cornell in I guess it was January of 1949, I went to Fisk University in Nashville, Tenn., accepting a job as associate professor of physics.

Mr. RUSSELL. Are you presently employed by Fisk University as an associate professor of physics?

Mr. LOMANITZ. Yes. I would like to elaborate on that a little, if necessary. That is that I received a one-half-year contract, which is running yet, last January.

Mr. RUSSELL. Mr. Lomanitz, the last time you appeared before the committee you were questioned as to the reason you were inducted into the United States Army.

Mr. LOMANITZ. That is correct.

Mr. RUSSELL. Although at the time of your induction you were employed on a vital project. In connection with the interrogation you were permitted to insert in the record of the hearing a statement which you had made to your draft board in Berkeley, Calif., on August 10, 1943.



I would like to read a part of this statement to you. It appears on page 11 of the testimony:<sup>5</sup>

To me it seems rather, and I may say that the area engineer has agreed that it seems likely, that some unnamed charges are being pressed against me using Army induction as an instrument. This seems especially likely in view of a recent investigation carried out by the provost marshal's men in which my views were examined in detail and at great length. During this interview I was questioned for a long time on my interest in unions in general and the Federation of Architects, Engineers, Chemists and Technicians in particular.

I was then told that some unknown person had instigated the charge that I am connected with communistic organizations. At the time I brushed this aside as ridiculous.

With reference to your statement that you brushed this aside as ridiculous, did you mean that any charge made to the effect that you had associated with Communist organizations was a ridiculous charge?

Mr. LOMANITZ. Would you please repeat the question?

Mr. RUSSELL. The last part?

Mr. LOMANITZ. When you said, "with reference to a certain statement."

Mr. RUSSELL. Yes, the last part of the statement.

Mr. LOMANITZ. No, your question, not the statement. I have the statement here myself.

Mr. RUSSELL. With reference to your statement that you brushed this aside as ridiculous, did you mean that any charge made to the effect that you had associated with communistic organizations was a ridiculous charge?

Mr. LOMANITZ. Mr. Russell, I think that I am going to have to refuse to answer this question on the same grounds that I have refused to answer questions previously.

Mr. RUSSELL. What is that ground?

Mr. LOMANITZ. As I remember—I don't have a transcript of the last hearings. I imagine you slipped up in sending me one that you promised to send me, so I will have to recapitulate it as well as I can.

Mr. RUSSELL. I would like to correct that statement. The record shows that Mr. Lomanitz said, "Might I ask if I am going to have a transcript of these hearings for my own use?"

Mr. LOMANITZ. Yes.

Mr. RUSSELL. The answer was, "You may have a copy of your own testimony provided you pay the necessary fee."

Mr. LOMANITZ. Yes.

Mr. RUSSELL (continuing): "The committees of Congress are restricted as to the number of copies which they may receive."

Mr. LOMANITZ. Yes. And my statement was taken by the shorthand reporters in order to copy and make sure they had it correct, and I received that back in the mail with a little note saying, "Transcript will follow," and that is the last I ever heard, so I imagine there has been a slip-up, not with the congressional committee then, but with the shorthand reporters. Is that correct? I mean I don't want to make a misstatement here.

Mr. NIXON. Mr. Chairman, I do not think it is particularly material what answer the witness gave to the question 2 weeks ago or 2 months ago. He has been asked a question now. It seems to me he should give an answer to it.

<sup>5</sup> Page 11 refers to typed transcript. See p. 293, this publication.

Mr. LOMANITZ. Very well, if you so desire. I will try to recapitulate just about what I said at that time. The reason I referred to the previous testimony will come out when I recapitulate my testimony.

If you remember, when you asked me certain questions last time, I asked whether this committee honestly expected that I should give an answer to some of these questions, because I had the opinion that the Constitution protected the rights of an individual's freedom of conscience and freedom of speech. At this time I believe it was Mr. Wood who advised me that this would not be accepted; that is, that the committee certainly did expect answers to such questions as they asked me which I thought my constitutional rights protected against being required to answer if I didn't so choose. However, Mr. Wood told me that the committee did not see it in this light and that the only possible reason that I might give was that if I had some reason to believe that the answer might possibly tend to incriminate me. And I believe that at that time I said then that on the basis that might tend to incriminate me I would refuse to answer the question?

Is that essentially what the transcript shows previously?

Mr. RUSSELL. Yes.

Mr. WOOD. Is that your position about it today—that you think an answer to the question that has been propounded to you here now will tend to incriminate you?

Mr. LOMANITZ. It might tend to, Mr. Wood.

Mr. WOOD. The simple question you were asked was: At the time you made the statements—which, as I understand, have been correctly stated? Is that correct?

Mr. LOMANITZ. The statement to the draft board was correctly quoted that Mr. Russell read.

Mr. WOOD. In that statement you said that certain charges that were made against you concerning your association with various people were ridiculous and you brushed them aside as being ridiculous. Now you are asked the question: At the time you said that, did you mean that they were ridiculous insofar as they referred to your association with known Communists and Communist-front organizations?

Now, is that the question you are saying that you do not want to answer because it might tend to incriminate you?

Mr. LOMANITZ. Is that the question that was asked, Mr. Russell?

Mr. RUSSELL. Yes.

Mr. LOMANITZ. I decline to answer that question on the ground it might possibly tend to incriminate me.

Mr. NIXON. Did you make that statement, Mr. Lomanitz, to the draft board? You said you did make it?

Mr. LOMANITZ. I presented this statement in writing to the draft board and read it to them orally. You will recall, of course, that Mr. Russell has read an excerpt out of the whole statement and not the entire statement by any means.

Mr. NIXON. I understand. But the excerpt is correct?

Mr. LOMANITZ. The excerpt is correct in the way it stands, possibly out of context.

Mr. NIXON. In that excerpt you said the charges were ridiculous?

Mr. LOMANITZ. I did not say that, Mr. Nixon. At the time I said:

I was then told that some unknown person had instigated the charge that I am connected with communistic organizations. At the time I brushed this aside as ridiculous.



Those are my precise words.

Mr. NIXON. Some unknown person had made the charge that you were associated with communistic organizations and at the time you brushed the charges aside as ridiculous?

Mr. LOMANITZ. Mr. Nixon, I have read to you the statement. If you want me to give you sort of the spirit of the statement, I will be glad to do that.

Mr. NIXON. Were the charges ridiculous at the time?

Mr. LOMANITZ. Mr. Nixon, that, I believe, is the question that Mr. Russell has just asked me, which I have declined to answer. Isn't that correct?

Mr. NIXON. Was the statement true that you made at the time?

Mr. LOMANITZ. Mr. Nixon, I will be glad to give you the spirit of this whole thing. You cannot just take a phrase out of context from it. The spirit of the whole thing was this:

I was working on work which I had been given to understand was important to the war effort. I was a member of the Federation of Architects, Engineers, Chemists, and Technicians at the time. The union had been doing some active organizing, and I was one of the active members of the union at the radiation laboratory. My work was well respected by Dr. Lawrence, Dr. Oppenheimer, and everyone else who might be connected with it. And I believe that part of the statement here includes letters from these gentlemen which so state.

Now, the whole idea that someone, on the instigation of some charge by some unknown person, should suddenly be taken away from work where he was contributing to the war effort for no valid reason—in my opinion for no valid reason—was ridiculous.

Mr. WALTER. May I ask a question at this time?

Mr. WOOD. Yes.

Mr. WALTER. Why do you feel that to answer this question that you have just refused to answer might incriminate you?

Mr. LOMANITZ. Mr. Walter—is that the name, sir?

Mr. WALTER. Yes.

Mr. LOMANITZ. Mr. Walter, as I understand, one constitutional protection which we do have is that when I think that a question—that the answer to a question might possibly tend to incriminate me, that I do not have to go into the details of precisely how, because you can see how wound up you could get in that.

Mr. WALTER. On the other hand, the constitutional protection does not extend to people who would capriciously refuse to answer questions. There must be a valid reason.

Mr. LOMANITZ. Mr. Walter, I am not capriciously doing anything, I can assure you.

Mr. WALTER. Then, I would like to know whether you are or not. You say you are not. Now, why do you feel that to answer that question might incriminate you?

Mr. LOMANITZ. Mr. Walter, I am going to have to refuse to answer that question on the ground that it might tend to incriminate me.

Mr. WALTER. In other words, you take the position that to answer the question I have just asked you might serve to incriminate you?

Mr. LOMANITZ. It seems to me as though what you are essentially doing is to ask me to answer the question that Mr. Russell asked me or, if not to answer the question, to explain to you why I do not choose



to answer on the ground that it might tend to incriminate me. That is my understanding.

Mr. WALTER. No, I merely want to know what reason you had for advancing this excuse, if you please, for not answering the question.

Mr. LOMANITZ. I don't choose to call it an excuse, Mr. Walter. All I can say is that I am afraid I cannot answer this last question you have asked without bringing in some of precisely the same objections that I have to answering Mr. Russell's question.

Mr. WALTER. What are those objections?

Mr. LOMANITZ. Well, Mr. Walter, how can I state it any more clearly? I say that the answer to Mr. Russell's question might possibly tend to incriminate me. You asked me in what way it might tend to incriminate me. All I can say is that to answer that question might tend to incriminate me.

Mr. RUSSELL. Mr. Lomanitz, do you feel that known Communists should be employed on restricted projects such as the one you were employed upon?

Mr. LOMANITZ. You are asking this as a matter of my own particular convictions, my creed, my personal beliefs?

Mr. RUSSELL. That is right.

Mr. LOMANITZ. I suppose that my first reaction is that this is another thing; a person's political opinions are rather sacred rights guaranteed by the Constitution. Now, I don't know whether the committee would agree with me or not on that.

As to the technical question, as to a lot of technical questions, as to whether Communists should be employed on projects that handle restricted data—was that the word—

Mr. RUSSELL. Yes.

Mr. LOMANITZ. I can only state this: That my own opinion—and I am going to state this—my own opinion as an individual is that I do not believe, as I stated last time, I do not believe that the fact that a person is a member of the Communist Party of the United States necessarily makes him a disloyal citizen. I believe that Communists, Catholics, Congressmen, anyone, who are employed in connection with restricted data, who have access to restricted data, should be required to undergo the proper kind of a scrutiny to try to insure as best as possible that they are not disloyal to the United States and that they do not "blab," and such things as that. That is, if they do not inadvertently or advertently misuse the information to which they have access.

Does that answer your question?

Mr. RUSSELL. That answers it.

Mr. Lomanitz, are you at present a member of the Communist Party of the United States?

Mr. LOMANITZ. Mr. Russell, you asked me that question once before last time. Do you want me to answer the question again or is my previous answer satisfactory?

Mr. RUSSELL. No. You are required to answer it again. You might want to change your reply.

Mr. LOMANITZ. I do not choose to change my reply. I will have to decline to answer that question on the same ground as previously.

Mr. RUSSELL. On the ground that it might tend to incriminate you?

Mr. LOMANITZ. I believe that is the final ground that Mr. Wood suggested.

Mr. RUSSELL. Have you ever—

Mr. Wood. No, I did not suggest it. I beg your pardon. I did not suggest it at all.

Mr. LOMANITZ. Pardon me. Perhaps that was a little out of context. What I was meaning was this: You see, I personally feel very strongly that a persons' political beliefs, his conscience and his own particular freedom and are guaranteed by the Constitution. Now, as I remember, when I brought this point out last time you, Mr. Wood, I believe, were the one who told me that the committee did not consider this valid and who suggested that the only possible reason the committee might consider it valid was on the ground that it might tend to incriminate.

That is, I mean I'm sorry. It probably sounded out of context the way I put it, and I apologize for that.

Mr. WALTER. Mr. Lomanitz, in view of the fact that it is not a crime to be a Communist, why do you feel that your constitutional rights would be violated if you answered the question as to whether or not you are a Communist?

Mr. LOMANITZ. Are you stating it as the opinion of you, Mr. Walter, as an individual, that it is not a crime to be a Communist, or the opinion of the Un-American Activities Committee that it is not a crime to be a Communist, or whose opinion are you stating?

Mr. WALTER. I am speaking now of the definitions of crimes contained in title 28 of the United States Code.

Mr. LOMANITZ. And now would you repeat your question?

Mr. WALTER. In view of the fact that it is not a crime under the definitions of crimes against the United States to be a member of the Communist Party, do you feel that your constitutional rights would be violated if you answered the question as to whether or not you were a member of the Communist Party or are a member of the Communist Party?

Mr. LOMANITZ. I feel probably that at least two or three of them would. In the first place, the right of freedom of conscience, which I couldn't point to you as to the line where it is protected in the Constitution because it may only be in the spirit of the Constitution. I am not familiar enough with the document from a legal point of view. I believe that would be violated under any conditions.

Under the conditions, as I pointed out last time, existing today wherein the Government of the United States is at the present time carrying on a trial in which it is endeavoring to prove that membership in the Communist Party is essentially equivalent to being a crime, and wherein the Attorney General and the Un-American Activities Committee and various other people have issued statements to that effect, although they do not appear in—was it section 28—of the Criminal Code; I also believe that an answer to your question might possibly tend to incriminate me.

Mr. RUSSELL. Mr. Lomanitz, at the time you were inducted into the United States Army, were you a member of the Communist Party?

Mr. LOMANITZ. Mr. Russell, that question falls into the same category. I will have to decline to answer it for the same reason.

Mr. RUSSELL. While you were employed by the radiation laboratory at the University of California, were you a member of the Communist Party?



Mr. LOMANITZ. Mr. Russell, I have to decline to answer that question for the same reasons.

Mr. RUSSELL. Have you ever belonged to the Communist Party?

Mr. LOMANITZ. Mr. Russell, I will have to decline to answer that question also.

Mr. RUSSELL. Have you ever been a member of the Communist Political Association?

Mr. LOMANITZ. Mr. Russell, I have to decline to answer that question on the same grounds.

Mr. WALTER. Mr. Lomanitz, if your idea was carried to its final and logical conclusion, as I see it, then every statute requiring a person to register his political affiliation, as to whether or not he is a Democrat or Republican or what not, would be unconstitutional.

Mr. LOMANITZ. Well, you might have a point there, Mr. Walter. I don't know whether they are or not, but I think it's a good idea.

Mr. WALTER. I may have a point.

Mr. RUSSELL. Have you ever been a member of the Young Communist League?

Mr. LOMANITZ. I will have to decline to answer that question, Mr. Russell, on the same ground.

Mr. RUSSELL. The Young Communist League was dissolved; was it not?

Mr. LOMANITZ. I couldn't say for sure. I believe I have read that it was.

Mr. RUSSELL. According to Communist publications it was dissolved; was it not?

Mr. LOMANITZ. I couldn't say for sure, Mr. Russell.

Mr. RUSSELL. Was there ever any prosecutive action undertaken against the Young Communist League?

Mr. LOMANITZ. I'm sure I don't know, sir. I'm sure you could ask someone who knows better than I.

Mr. RUSSELL. Well, there was none. How would membership in the Young Communist League incriminate you?

Mr. LOMANITZ. Mr. Russell, I will have to decline to answer that question the same way I declined to answer Mr. Walter's question as to how something might tend to incriminate me.

Mr. RUSSELL. Mr. Lomanitz, were you a member of the Merriman branch of the Communist Party while you were employed at the radiation laboratory at the University of California?

Mr. LOMANITZ. Excuse me, Mr. Russell, but if I have declined to answer the question as to whether I am or have been a member of the Communist Party, doesn't that take care of these various little contingencies about whether or not I have been at certain times or certain conditions?

Mr. RUSSELL. The chairman will have to advise you on that.

Mr. LOMANITZ. Mr. Wood?

Mr. WOOD. What is your answer to the question that has just been propounded?

Mr. LOMANITZ. You want me to answer the question as it stands?

Mr. WOOD. Yes.

Mr. LOMANITZ. I will have to decline to answer that question on the ground that it might tend to incriminate me.

Mr. RUSSELL. Did you ever at any time solicit anyone for membership in the Communist Party of the United States?



Mr. LOMANITZ. I am going to have to decline to answer that question, Mr. Russell, on the ground it might tend to incriminate me.

Mr. RUSSELL. Did you ever attend any meetings of the Merriman branch of the Communist Party of the United States?

Mr. LOMANITZ. I am going to have to decline to answer that question on the ground it might tend to incriminate me.

Mr. RUSSELL. Do you know Mr. Robert R. Davis?

Mr. LOMANITZ. I knew a Mr. Robert Davis at the radiation laboratory at California. It's Robert R. Davis, if it's the same one; yes.

Mr. RUSSELL. Did you ever solicit his membership in the Communist Party of the United States?

Mr. LOMANITZ. I am going to have to decline to answer that question, Mr. Russell, on the ground that it might tend to incriminate me.

Mr. RUSSELL. Did you know Charlotte Davis?

Mr. LOMANITZ. Yes; I knew Charlotte Davis.

Mr. RUSSELL. Did you solicit her membership in the Communist Party of the United States?

Mr. LOMANITZ. I am going to have to decline to answer that question on the ground it might tend to incriminate me.

Mr. RUSSELL. Is she known to you as the wife of Mr. Robert R. Davis?

Mr. LOMANITZ. The Charlotte Davis I was speaking about is.

Mr. RUSSELL. Do you know Libby Burke?

Mr. LOMANITZ. Yes.

Mr. RUSSELL. Did you ever attend a meeting or a party at her home on Shattuck Avenue?

Mr. LOMANITZ. I cannot remember whether I have ever attended a party at her home on Shattuck Avenue or a meeting at her home on Shattuck Avenue.

Mr. RUSSELL. Was she known to you as a member of the Communist Party of the United States?

Mr. LOMANITZ. I decline to answer that question on the same grounds.

Mr. TAVENNER. Speak a little louder, please.

Mr. LOMANITZ. I said I decline to answer that question on the same grounds.

Mr. RUSSELL. Do you know Joseph W. Weinberg?

Mr. LOMANITZ. I have known Joseph W. Weinberg for a long time.

Mr. RUSSELL. Did you ever solicit his membership in the Communist Party of the United States?

Mr. LOMANITZ. I decline to answer that question, Mr. Russell, on the ground that it might tend to incriminate me.

Mr. RUSSELL. Did you ever ask him to become a member of the Communist Party of the United States?

Mr. LOMANITZ. Mr. Russell, I decline to answer that question on the ground it might tend to incriminate me.

Mr. RUSSELL. Did he ever attend any Communist Party meetings at which you were present?

Mr. LOMANITZ. Mr. Russell, I decline to answer that question on the ground it might tend to incriminate me.

Mr. RUSSELL. Was he a member of the Merriman branch of the Communist Party of the United States?

Mr. LOMANITZ. I decline to answer that question on the same grounds.

Mr. RUSSELL. Was he a member of any branch of the Communist Party of the United States?

Mr. LOMANITZ. I decline to answer that question on the same grounds.

Mr. RUSSELL. I would like to refer to your previous testimony on that subject.

Mr. LOMANITZ. Incidentally, where can I get a copy of that testimony, please, Mr. Russell?

Mr. RUSSELL. It will be printed, and you can have a copy.

The last time you appeared before the committee, Mr. Lomanitz, you were asked this question:

Joseph W. Weinberg, was he a member of the Merriman branch of the Communist Party?

Mr. LOMANITZ. Is Joseph Weinberg a member of the Merriman branch?

QUESTION. Was he a member?

ANSWER. I don't honestly know whether he was a member or not.

Why would it incriminate you to give the same answer today in fairness to Mr. Weinberg?

Mr. LOMANITZ. I am going to have to decline to answer that question on the ground it might tend to incriminate me.

Mr. RUSSELL. You were asked whether he ever attended any meetings of the Merriman branch of the Communist Party.

ANSWER. I don't know, Mr. Russell. I would suggest that you ask Mr. Weinberg these questions.

STATEMENT. We will.

Mr. LOMANITZ. All right.

Then you state:

I have no knowledge of Mr. Weinberg's membership in the Merriman branch of the Communist Party.

Why would it incriminate you to give the same answer to that question in fairness to Mr. Weinberg?

Mr. LOMANITZ. My previous testimony is absolutely correct as it stands, Mr. Russell. It stands as it stands there now. There is nothing incorrect about it.

Mr. RUSSELL. Would you like to change your answer today and use the answer which you furnished in your previous testimony?

Mr. LOMANITZ. It doesn't really matter, Mr. Russell. I'd just as soon leave it as it stands.

Mr. NIXON. I understand, then, that your testimony now is that you have no knowledge of Mr. Weinberg's membership in the Merriman branch of the Communist Party?

Mr. LOMANITZ. My testimony of last April or May, or whenever it was, is absolutely correct as it stands, whatever it says, to the best of my knowledge. The question has been repeated to me today, and I have answered it today as you have heard me answer it today.

Mr. Wood, I would like to say, incidentally, about all these questions about membership in the Communist Party, that one thing I would like to state down very clear is that under no conditions have I at any time been in any way disloyal to the United States Government, transmitted any restricted information to anyone, foreign or domestic, that should not have it. In my judgment, this is really the important thing. And I want to state that now. And of course I have no way of suggesting how the committee should run its own business, but it seems to me as though I would be very happy to answer

any such questions as that that did not come within the province of what I consider to be my constitutional rights. I will be very happy to make the statement once and for all that I have never done anything in any way disloyal, have no knowledge of myself or anyone else transmitting any information or doing anything else in any way disloyal to the United States, that I swore an oath of allegiance when I went in the Army to protect the United States and its Constitution against all enemies, foreign and domestic, and that that still stands.

Now, it seems to me as an individual that this is really the important thing rather than probing into my particular creeds, political opinions, and so on, which I believe are my own personal affair. However, this I will have to leave up to the judgment of the committee.

Mr. WALTER. Now, as I understand it, you have declined to answer the question whether or not you knew that Mr. Weinberg was a member of the Communist organization on the ground that it might incriminate you?

Mr. LOMANITZ. That it might tend to incriminate me.

Mr. WALTER. Why do you feel that it might tend to incriminate you to state whether or not you knew that a man was a member of any organization whatsoever?

Mr. LOMANITZ. Mr. Walter, it seems to me as though I will have to answer this question the same way as I answered another question when you began to ask me just in what particular way a certain answer might tend to incriminate me. I can't answer that question without possibly tending to incriminate myself.

Mr. WALTER. How could it possibly incriminate you if you knew that Weinberg was member of any organization?

Mr. LOMANITZ. Mr. Walter, I am not a lawyer. I don't know all the fine points involved there. But if I have some doubts, some reservation in my own mind that it might possibly tend to incriminate me, it seems to me that I must answer in the way I have. If there is even some slight doubt. Isn't that correct?

Mr. WALTER. Then, as I understand it, you answer the question as you do whenever you feel that you don't care to answer categorically the question propounded?

Mr. LOMANITZ. Whenever there is even the slightest suspicion in my own mind that the answers that I give might possibly tend to incriminate me.

Mr. RUSSELL. Mr. Lomanitz, do you have any knowledge whatsoever pertaining to the membership or nonmembership of Mr. Joseph Weinberg in the Merriman branch of the Communist Party of the United States?

Mr. LOMANITZ. I decline to answer that question, Mr. Russell, on the ground that it might possibly tend to incriminate me.

Mr. RUSSELL. Now, the last time you said:

I have no knowledge of Mr. Weinberg's membership in the Merriman branch of the Communist Party.

Mr. LOMANITZ. I do not wish to change my previous testimony. My previous testimony is correct to the best of my knowledge. I wish to answer the questions you have asked today in the way I have answered.

Mr. RUSSELL. Was Mr. Weinberg a member of any branch of the Communist Party?



Mr. LOMANITZ. I decline to answer that question, Mr. Russell; on the ground that it might possibly tend to incriminate me.

Mr. RUSSELL. Do you know David Joseph Bohm?

Mr. LOMANITZ. I know David Joseph Bohm very well.

Mr. RUSSELL. Did you solicit his membership in the Communist party of the United States?

Mr. LOMANITZ. I decline to answer that question, Mr. Russell, on the ground it might tend to incriminate me.

Mr. RUSSELL. Did you ever attend any Communist Party meetings at which Mr. Bohm was present?

Mr. LOMANITZ. I decline to answer that question, Mr. Russell, on the grounds it might tend to incriminate me.

Mr. RUSSELL. Are you acquainted with an individual named Max Bernard Friedman?

Mr. LOMANITZ. I am.

Mr. RUSSELL. Did you solicit his membership in the Communist Party of the United States?

Mr. LOMANITZ. I decline to answer that question on the ground that it might perhaps tend to incriminate me.

Mr. RUSSELL. Did you ever attend any Communist Party meetings at which Mr. Friedman was present?

Mr. LOMANITZ. I decline to answer that question on the ground it might tend to incriminate me.

Mr. RUSSELL. Do you know George Charles Eltenton?

Mr. LOMANITZ. I am trying to recollect. It seems to me like I remember reading the name in a newspaper.

Mr. RUSSELL. That is the only knowledge you have of him?

Mr. LOMANITZ. I couldn't answer that for sure, Mr. Russell.

Mr. RUSSELL. Do you know Steve Nelson?

Mr. LOMANITZ. I decline to answer that question on the ground it might tend to incriminate me.

Mr. RUSSELL. Did you ever attend any meetings of the Communist Party which were addressed by Steve Nelson?

Mr. LOMANITZ. I decline to answer that question on the ground that it might tend to incriminate me.

Mr. RUSSELL. Do you know Bernadette Doyle?

Mr. LOMANITZ. I decline to answer that question on the ground that it might tend to incriminate me.

Mr. RUSSELL. Did you ever meet Gregory Kheifitz of the Soviet consulate in San Francisco?

Mr. LOMANITZ. I decline to answer that question.

Mr. Russell, I would like to revise my answer on that question. I have never, to the best of my knowledge, met this individual you describe as Soviet consul.

Mr. RUSSELL. Dr. Lomanitz, did you ever visit the home of Dr. Weinberg at 2426 Blake Street, Berkeley, Calif.?

Mr. LOMANITZ. The address was 2427 Blake Street, and I visited many times.

Mr. RUSSELL. Did you ever visit his home when Steve Nelson was present?

Mr. LOMANITZ. I decline to answer that question on the ground that it might tend to incriminate me.

Mr. RUSSELL. Well, did Steve Nelson ever visit his home to your knowledge?

Mr. LOMANITZ. I decline to answer that question on the ground it might tend to incriminate me.

Mr. RUSSELL. Mr. Chairman, I have no further questions of Mr. Lomanitz.

Mr. WOOD. Mr. Walter?

Mr. WALTER. No questions.

Mr. WOOD. Mr. Nixon?

Mr. NIXON. No questions.

Mr. RUSSELL. Mr. Chairman, will you instruct him to remain in the room for a few minutes?

Mr. LOMANITZ. Do I understand I am instructed to remain in the room for a few minutes?

Mr. WOOD. Temporarily, for just a moment. I assume it is for purposes of identification?

Mr. RUSSELL. Yes, sir.

Call the next witness. Robert R. Davis.

Mr. WOOD. Mr. Davis, I believe you have been previously sworn before the committee?

Mr. DAVIS. I have been, yes.

Mr. WOOD. Do you solemnly swear that the evidence you give this subcommittee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. DAVIS. I do.

#### TESTIMONY OF ROBERT R. DAVIS

Mr. RUSSELL. Mr. Davis, will you state your full name?

Mr. DAVIS. Robert Raymond Davis.

Mr. RUSSELL. Do you recall having appeared before a subcommittee of this committee in executive session on Friday, April 22, 1949, in New York City?

Mr. DAVIS. Yes.

Mr. RUSSELL. When and where were you born?

Mr. DAVIS. In Buhl, Idaho, August 19, 1917.

Mr. WOOD. I wonder if you can raise your voice a little so we can hear you up here?

Mr. RUSSELL. Would you furnish the committee with a résumé of your educational background? I can read it for you if you prefer that.

Mr. DAVIS. Sure.

Mr. RUSSELL. You attended Stockton Junior College, Stockton, Calif., for 2 years, the University of California at Los Angeles for 1 year, one summer session in the University of California for 1 year where you obtained a degree. What was the degree?

Mr. DAVIS. It was a bachelor of arts.

Mr. RUSSELL. At one time you were employed by the Key System Co. of Oakland, Calif., were you not?

Mr. DAVIS. Yes.

Mr. RUSSELL. Were you ever employed by the radiation laboratory at Berkeley, Calif.?

Mr. DAVIS. Yes, sir.

Mr. RUSSELL. While you were employed by the radiation laboratory, did you meet one Giovanni Rossi Lomanitz?

Mr. DAVIS. Yes.

Mr. RUSSELL. Is he the person who just testified before this committee?

Mr. DAVIS. I haven't seen him face to face.

Mr. RUSSELL. Mr. Lomanitz, would you stand, please?  
(Mr. Lomanitz stood.)

Mr. RUSSELL. Would you come forward, Mr. Lomanitz?  
(Mr. Lomanitz approached the witness table.)

Mr. DAVIS. He looks very familiar.

Mr. RUSSELL. Is that the individual known to you as Giovanni Rossi Lomanitz?

Mr. DAVIS. I believe so.

Mr. RUSSELL. Aren't you positive?

Mr. DAVIS. I haven't seen him for 6 years.

Mr. WOOD. Well, did you know a person by that name?

Mr. DAVIS. Yes.

Mr. WOOD. Does this appear to be the same person?

Mr. DAVIS. It appears to be; yes.

Mr. WOOD. Have you ever known any other person by that name?

Mr. DAVIS. No.

Mr. WOOD. Did that person that you knew by that name work in the radiation laboratory at Berkeley, Calif.?

Mr. DAVIS. Yes.

Mr. WOOD. At the same time you did?

Mr. DAVIS. Yes.

Mr. RUSSELL. Are you at present a member of the Communist Party of the United States?

Mr. DAVIS. No.

Mr. RUSSELL. Have you ever been a member of the Communist Party of the United States?

Mr. DAVIS. At one time I had in my possession a piece of paper which said I was a member of the Communist Party.

Mr. RUSSELL. By whom were you recruited into the Communist Party?

Mr. DAVIS. I was asked to go to a meeting by Rossi Lomanitz. I was sold a piece of paper which said I was a member of the Communist Party by someone else. I am not sure how you define "recruiting."

Mr. RUSSELL. In other words, at the request of Giovanni Rossi Lomanitz, you were asked to attend a Communist Party meeting?

Mr. DAVIS. Yes.

Mr. RUSSELL. Do you recall when that was?

Mr. TAVENNER. Would you mind speaking up?

Mr. DAVIS. I can't recall the date. It was probably late in 1942 or early in 1943.

Mr. RUSSELL. Did you attend that meeting?

Mr. DAVIS. Yes.

Mr. RUSSELL. And at that meeting did you become a member of the Communist Party of the United States?

Mr. DAVIS. I bought a card for I think 50 cents, which said I was, if that makes me a member.

Mr. RUSSELL. Did you subsequently attend meetings of the Communist Party?

Mr. DAVIS. I attended I think maybe two or three meetings.

Mr. RUSSELL. Do you recall where the first meeting was held?

Mr. DAVIS. No.



Mr. RUSSELL. Was it held in a private home?

Mr. DAVIS. Yes.

Mr. RUSSELL. Do you recall how you got there?

Mr. DAVIS. No. I don't know whether we drove or walked or what. I can't remember.

Mr. WOOD. Did you go with somebody else? ¶

Mr. DAVIS. I am not sure of this. I can't remember. I believe we must have, because it was a strange home.

Mr. RUSSELL. Who attended the first meeting which you also attended?

Mr. DAVIS. This was a long time ago, and it's very vague in my mind, and I can't remember specifically who was there. I am sure that Lomanitz was there.

Mr. RUSSELL. According to your testimony in New York City, on page 6, the question was asked:

At the time he notified you, would he generally tell you the place where the meeting was to be held and the time?

Previous to that you were asked the question:

By whom were you notified that Communist Party meetings were to be held?

Your answer was:

By Lomanitz.

The second question, which I read, but which I will repeat, was:

At the time he notified you, would he generally tell you the place where the meeting was to be held and the time?

Your answer was:

Lomanitz took us to the first meeting, where it is I don't know. After that we were told that there would be a meeting on a particular date the following week, at a particular address, and we went there. I am not sure, I think the meetings were held in two homes—I can't remember, but I didn't know the people who owned any of the houses.

Do you recall now whether or not Mr. Lomanitz took you to the first meeting of the Communist Party which you attended?

Mr. DAVIS. If I stated positively that he did the first time I think I was overstepping myself, because I don't think I can remember that. I think he probably did.

Mr. RUSSELL. Did he ever take you to any subsequent meetings?

Mr. DAVIS. I rather suspect not. I think we got there by ourselves.

Mr. RUSSELL. Mr. Lomanitz subsequently informed you that further meetings of the Communist Party were to be held?

Mr. DAVIS. Someone did. Let me say that. I am not sure whether he was the person.

Mr. RUSSELL. Did Rossi Lomanitz attend any of these Communist Party meetings which you also attended?

Mr. DAVIS. Yes.

Mr. RUSSELL. Do you recall how many?

Mr. DAVIS. No. No idea.

Mr. RUSSELL. In other words, to conserve time, I will read further from your testimony. You do not have to comment unless there is a correction. The question was asked:

Do you recall the identity of any individual who spoke before these meetings which you attended?

And you stated:

It was a small group; there were discussions which were organized beforehand. Particular people doing research on particular things; talking about particular subjects at a given meeting. They weren't exactly speeches, they just sat around the room and talked.

Question. In other words, they had discussion leaders?

Answer. I suppose so. It was usually a rather retiring sort of thing; actually very little reading.

Question. Were there any other ladies besides Mrs. Davis and this woman by the name of Libby?

Answer. Yes, there were several; mostly girls with thick glasses and empty faces, who looked like psychology students. I heard their names at the time, but don't remember them. I would guess actually about six or eight people attended the hearings, probably not more than a dozen at any time.

I will read further about your employment by the radiation laboratory:

Question. When did your employment by the radiation laboratory terminate?

Answer. I was transferred to Los Alamos, and my employment at Los Alamos technically began April 1, 1943. I think we didn't arrive until about a week later, so actually my period at the radiation lab carried on until March 31.

Question. What was the reason for the termination of your employment?

Answer. To go to Los Alamos.

Question. Were your services terminated at Los Alamos?

Answer. You are speaking of Los Alamos and not the radiation laboratory. My reason for leaving is that I was asked to resign.

Question. Did they furnish a reason why they wanted you to resign?

Answer. The Atomic Energy Commission stated that my character and associations were questionable and not in keeping with the terms of the Atomic Energy Act, and that I should not be furnished further employment.

Question. When did you leave the Communist Party?

Answer. The last meeting I attended was the meeting at which this person spoke, whose name I cannot remember, which might have been Steve Nelson, and we had cards at that time—we destroyed them, and did not attend or communicate or see any of these people involved after this.

Question. A few moments ago you made the statement, "We destroyed our cards." Were you speaking of yourself and wife?

Answer. Yes.

Mr. Davis, was your wife, Charlotte Davis, recruited into the Communist Party?

Mr. DAVIS. This is a question?

Mr. RUSSELL. Yes.

Mr. DAVIS. Yes. I recruited her.

Mr. RUSSELL. You recruited her?

Mr. DAVIS. Yes. We went the same night.

Mr. RUSSELL. Then further in your previous testimony the statement is made:

We destroyed our cards.

The question was:

Were you speaking of yourself and wife?

Answer. Yes.

Question. In other words, you destroyed your Communist Party membership card before you went to Los Alamos from Berkeley, Calif.?

Answer. Yes.

Question. Did you destroy your Communist Party card upon instruction, or upon your own volition?

Answer. It was entirely upon my own volition.

Question. At that time had you decided to break with the Communist Party?

Answer. Yes, sir.

Question. What was your reason for this decision?

Answer. It was not a matter of breaking with the party; I never felt associated with the party. I joined it purely out of curiosity, to see what sort of people were

there, and to listen. I never participated or contributed anything. I never felt I had given the party anything that would seem to be implied in the term "membership." As I remember, the card read that if dues were not paid regularly, membership would be terminated automatically. I therefore simply burned the card.

Question. In other words, you never paid any dues to the Communist Party?

Answer. I paid 50 cents for the card; never anything else.

Question. Do you know if the other people who attended had cards? Would you assume they were members, like yourself?

Answer. The cards were given out with such great abandon I assumed everyone there had one.

Question. In other words, at the time you joined the Communist Party, your membership was solicited by G. Rossi Lomanitz, and you subsequently obtained a card at a meeting which you attended?

Answer. Yes, sir.

Question. And the fee for this card was 50 cents?

Answer. I believe it was 50 cents, yes. It was either 50 cents for each or 50 cents for two. I can't remember.

Question. When you attended these Communist Party meetings, there was no question in your mind that all persons in attendance were members of the Communist Party?

Answer. I didn't think about it.

Question. Are you convinced now that they were all members?

Answer. I would suppose they were, yes.

Question. Were you later told by the Atomic Energy Commission at the time they investigated you that it was a Communist Party, or a unit of the Communist Party?

Answer. They didn't tell me that, but I assume they knew it was.

Question. Did you ever learn that this cell or unit was a branch of the Merriman Club?

Answer. Yes; I was told that. I don't remember the name of the unit; it didn't mean anything to me. I knew at the time it was the Communist Party.

Question. But you later found out it was the Merriman branch of the Communist Party?

Answer. This was the information in the FBI report. I was asked if I had been a member of the Merriman branch and I said I had been a member of some branch but didn't know whether it was the Merriman Club or not.

Mr. Davis, in New York you were asked why you joined the Communist Party. Your answer was that you joined it out of curiosity. Later, in a conversation which wasn't recorded in the record, I believe you said that you considered the membership or your membership in the Communist Party or your actual joining of the party was a mistake. Are you still of the same opinion?

Mr. DAVIS. I don't remember saying that. No, I—this would require a very long discussion. I mean I don't think it was necessarily a mistake. I think it was very educational.

Mr. RUSSELL. Well, in your own behalf, don't you think you should furnish the reason why you joined and the reason why you left in order that we will have the record perfectly clear?

Mr. DAVIS. For the record, my reason for joining was as stated—out of curiosity simply. My reason for leaving had nothing to do with recanting or disfavor with communism, because I knew nothing of communism. I don't know enough about it yet to be able to be a very good anti-Communist. I am not qualified to talk.

Mr. RUSSELL. Do you feel that you made a mistake in joining the Communist Party?

Mr. DAVIS. No.

Mr. RUSSELL. In view of subsequent events?

Mr. DAVIS. In view of subsequent events I think I probably would not have done this if I had been able to see what would happen. This is very unpleasant.



Mr. WALTER. Will you keep your voice up, please?

Mr. RUSSELL. It has had an adverse effect upon you, has it not, Mr. Davis?

Mr. DAVIS. Yes and no.

Mr. RUSSELL. Yes and no?

Mr. DAVIS. Yes. I don't want to go into this.

Mr. RUSSELL. You would rather not clear the record as regards your membership in the Communist Party?

Mr. DAVIS. Well, my feelings in this respect are that I have learned a great deal about myself through this experience. It has been a very painful experience. I wouldn't recommend it for anyone. On the other hand, experiences are not totally good or totally bad, I think. I think there's lots of good and bad experiences.

Mr. RUSSELL. I have no further questions of Mr. Davis.

Mr. WOOD. Mr. Walter?

Mr. WALTER. No questions.

Mr. WOOD. Mr. McSweeney?

Mr. McSWEENEY. No questions.

Mr. WOOD. The witness will be excused.

Are there any further witnesses?

Mr. RUSSELL. David Bohm.

Mr. WOOD. Mr. Bohm, raise your right hand, please, sir. Do you solemnly swear that the evidence you give before this subcommittee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. BOHM. I do.

### TESTIMONY OF DAVID J. BOHM (ACCOMPANIED BY CLIFFORD J. DURR, ATTORNEY)

Mr. RUSSELL. Mr. Bohm, are you represented by counsel?

Mr. BOHM. Yes. Mr. Durr.

Mr. RUSSELL. Will counsel identify himself for the record?

Mr. DURR. Clifford J. Durr, Washington, D. C.

Mr. RUSSELL. Mr. Bohm, will you please state your full name and present address?

Mr. BOHM. My name is David Joseph Bohm. My present address is Princeton, N. J. I believe you have all of this.

Mr. WOOD. Mr. Bohm, we have a little difficulty hearing. Will you please elevate your voice just a little?

Mr. BOHM. Yes.

Mr. RUSSELL. Mr. Bohm, when and where were you born?

Mr. BOHM. I was born in—what information do you want exactly? The place?

Mr. RUSSELL. Place and date.

Mr. BOHM. I was born in Wilkes-Barre, Pa., on December 20, 1917.

Mr. RUSSELL. Would you furnish the committee with a résumé of your educational background?

Mr. BOHM. Well, you already have the résumé. Would you please go through with it, and I could correct it if necessary. Or do you wish me to say it directly?

Mr. RUSSELL. The testimony is you attended Pennsylvania State College from 1935 to 1939 where you obtained a B. S. degree.

Mr. BOHM. That is right.

Mr. RUSSELL. And you attended the California Institute of Technology for 2 years at Pasadena, Calif., during the years 1940-41.

Mr. BOHM. That is right.

Mr. RUSSELL. And you attended the University of California at Berkeley, Calif., from 1941 to 1943 from which institution you obtained a doctor of philosophy?

Mr. BOHM. That's right.

Mr. RUSSELL. And you were asked to furnish the committee with a résumé of your employment background. Do you request me to read that?

Mr. BOHM. Yes, if you please.

Mr. RUSSELL (reading):

Just before getting my degree I worked for the radiation laboratory at the University of California. I can't remember the exact date. It was roughly in 1942 in the fall. I worked there until I believe September 1946, although I wouldn't be quite sure of that date either. Then I worked as a research associate in the University of California Physics Department until the following February; that is, in 1947 I believe. Since then I have been with Princeton University.

You were asked for how long a period you were employed by the Manhattan Engineering District as such. The answer was:

I believe it was from the fall of 1942 until the fall of 1946.

Mr. BOHM. All that is correct.

Mr. RUSSELL. Mr. Bohm, are you now or have you ever been a member of the Communist Party of the United States?

Mr. BOHM. I'm sorry, but I will have to answer that question the same way I answered it before, that I decline to answer on the ground that it might tend to incriminate me and might tend to degrade me.

Mr. RUSSELL. Were you ever solicited for membership in the Communist Party of the United States?

Mr. BOHM. That question also I shall decline to answer on the same two grounds—that it might tend to incriminate or to degrade me.

Mr. RUSSELL. Were you ever a member of the Merriman branch of the Communist Party while you were employed at the radiation laboratory at the University of California?

Mr. BOHM. That question I answer in the same way, that I decline to answer on the ground it might tend to incriminate or degrade me.

Mr. RUSSELL. Did you at any time solicit anyone else for membership in the Communist Party?

Mr. BOHM. I answer that question the same way; that is, I decline on the same grounds.

Mr. RUSSELL. Do you know Mr. Robert R. Davis?

Mr. BOHM. I have met Mr. Davis recently.

Mr. RUSSELL. Did you know him at the time you were employed by the radiation laboratory at the University of California?

Mr. BOHM. I decline to answer that question on the ground that it might tend to incriminate me.

Mr. RUSSELL. Did you ever attend a Communist Party meeting where he was present?

Mr. BOHM. I decline to answer that question on the ground it might tend to incriminate me.

Mr. RUSSELL. Do you know Charlotte Davis, the wife of Robert R. Davis?

Mr. BOHM. I decline to answer that question on the ground it might tend to incriminate me.

Mr. RUSSELL. The committee has heard testimony you attended Communist Party meetings held in the homes of persons near the University of California. Do you wish to affirm or deny this statement?

Mr. BOHM. I decline to answer on the same grounds.

Mr. RUSSELL. Were you acquainted with Libby Burke?

Mr. BOHM. I decline to answer that question on the same ground.

Mr. RUSSELL. Did you ever attend any meetings or parties at her home on Shattuck Avenue in Berkeley?

Mr. BOHM. I decline to answer that question on the same two grounds.

Mr. RUSSELL. Do you know Joseph W. Weinberg?

Mr. BOHM. Yes; I know him.

Mr. RUSSELL. Did you ever attend any Communist Party meetings which he might have attended?

Mr. BOHM. I'm sorry, but I decline to answer that question on the same two grounds.

Mr. RUSSELL. Was he ever known to you as a member of the Communist Party?

Mr. BOHM. I decline to answer that question on the same two grounds.

Mr. RUSSELL. Do you have any knowledge that he was or was not a member of the Communist Party?

Mr. BOHM. I decline to answer that question on the same grounds.

Mr. RUSSELL. Do you know Rossi Lemanitz?

Mr. BOHM. Yes.

Mr. RUSSELL. Did you ever attend any Communist Party meetings with him?

Mr. BOHM. I decline to answer that question also on these same grounds.

Mr. RUSSELL. Do you know Max Bernard Friedman?

Mr. BOHM. Yes; I know him.

Mr. RUSSELL. Did you ever at any time attend any Communist Party meetings at which Mr. Friedman was present?

Mr. BOHM. I decline to answer that question also on these same grounds.

Mr. RUSSELL. Do you have any knowledge as to whether he was or was not a member of the Communist Party of the United States?

Mr. BOHM. I decline to answer that question also on the same ground.

Mr. RUSSELL. Do you know George Charles Eltenton?

Mr. BOHM. I decline to answer that question on these same grounds.

Mr. RUSSELL. Do you know Steve Nelson?

Mr. BOHM. I decline to answer that question on the same grounds that it would tend to incriminate or degrade me.

Mr. RUSSELL. Did you ever attend any Communist Party meetings which were addressed by Steve Nelson?

Mr. BOHM. I decline to answer that question on the grounds that it might tend to incriminate or degrade me.

Mr. RUSSELL. Do you have any knowledge as to whether Steve Nelson is or is not a member of the Communist Party of the United States?

Mr. BOHM. I decline to answer that question on the same two grounds. It might tend to incriminate or degrade me.



Mr. RUSSELL. Do you know Bernadette Doyle?

Mr. BOHM. I decline to answer that question on the same grounds.

Mr. RUSSELL. Did you ever attend any Communist Party meetings at which Bernadette Doyle was present?

Mr. BOHM. I'm sorry, but I decline to answer that question on the same grounds.

Mr. RUSSELL. Did you ever meet Gregory Kheifitz of the Soviet consulate, San Francisco, Calif.?

Mr. BOHM. I never heard of him.

Mr. RUSSELL. Do you know Dr. Bernard Peters?

Mr. BOHM. Yes; I know him somewhat.

Mr. RUSSELL. Do you have any knowledge as to whether he was or was not a member of the Communist Party of the United States?

Mr. BOHM. I decline to answer that question on the same grounds.

Mr. RUSSELL. Did you ever attend any Communist Party meetings at which he might have been present?

Mr. BOHM. I decline to answer that question on the same grounds.

Mr. RUSSELL. Mr. Bohm, have you ever been a member of the Young Communist League?

Mr. BOHM. I decline to answer that question on the same grounds.

Mr. RUSSELL. Have you ever been a member of the Communist Political Association?

Mr. BOHM. I'm sorry; I decline also to answer that question on the same grounds.

Mr. RUSSELL. Do you know Frank Malina?

Mr. BOHM. I never heard of him.

Mr. RUSSELL. Do you know Jacob Dubnoff?

Mr. BOHM. I can't recall his name either.

Mr. RUSSELL. Do you know Sidney Weinbaum?

Mr. BOHM. I don't recall any such name.

Mr. RUSSELL. Mr. Chairman, I have no further questions of Mr. Bohm.

Mr. BOHM. I wonder if I would be allowed to make a statement before we finish?

Mr. WOOD. We cannot hear you.

Mr. BOHM. I would like to make a statement concerning my loyalty—that I have been completely loyal to the United States during all my life and that I would not contemplate any disloyal acts, and I know of no disloyal acts. If I knew any, I certainly would not countenance them.

Mr. WALTER. You have declined to answer a number of questions—

Mr. BOHM. Yes.

Mr. WALTER. On two grounds. I would like you to tell me what section of the Constitution protects a person from answering a question that might tend to degrade him.

Mr. BOHM. Well, I am not a lawyer, as was stated at the previous meeting, but Mr. Durr advises me that there is a possibility, that is, that the question is not yet settled in court, but that there is a possibility that the courts would look on it this way: That membership in the Communist Party would tend both to interfere with your possibilities of employment and also tend to generally cause embarrassment in other fields of life. And the courts, according to Mr. Durr, are having a tendency to regard these as penalties.

Now, if you wish to discuss the matter any further with Mr. Durr—

Mr. DURR. On the further ground that there is a prosecution pending against members of the Communist Party.

Mr. WALTER. I was asking the witness, because, after all, he is the one that declined to answer. I am just curious to know where in the Constitution is there any provision that will permit a witness to decline to answer a question because to answer that question might tend to degrade a person?

The constitutional protection extends to people who are asked questions that might make it possible to convict them in criminal proceedings. That is the law as I understand it. And it is as the courts have held it to be. I am just curious to know whether or not this is a real bona fide objection or whether it is something that you are getting behind or attempting to hide behind in order to not answer a question that might be embarrassing.

Mr. DURR. Mr. Walter, it seems to me that is a legal question. If you want to leave it with my client and let him do the best he can, all right. If you want me to attempt to answer it, I would be glad to do it.

Mr. WALTER. I know the theory in back of all of this, but I am just curious to know where in the Constitution there is such a provision—whether or not it isn't just an excuse that is used in order to decline to answer what in our judgment are perfectly proper questions.

Mr. BOHM. Well, I don't regard it as an excuse. I believe that the answers to these questions might tend to cause me difficulties which would be serious. Now, we're—

Mr. WALTER. In other words, you mean it might be embarrassing to you if you were to here under oath say that you were a member of the Communist Party and in order to spare yourself this embarrassment you advance a constitutional reason. Is that what you actually mean?

(The witness conferred with counsel.)

Mr. BOHM. Not only embarrassment but incrimination.

Mr. WALTER. What possible criminal proceedings could be instituted against you if you admitted that you knew people whose names were mentioned?

Mr. BOHM. Well, I believe I will have to answer that the same way Mr. Lomanitz answered it—that a detailed discussion of what might incriminate me would essentially be answering the question.

Mr. WALTER. Yes. In other words, you just don't care to answer the question?

Mr. BOHM. Well, it's for the reasons given that it might incriminate me.

Mr. TAVENNER. There is a statute, congressional statute on matters of disgrace, which states he has no immunity on that ground.

Mr. WOOD. I am a little bit concerned in my own mind about one phase of your answer as well as that of some other witnesses here who have protested their loyalty to the American Government and its institutions and yet who decline to give this committee information which is designed solely for the purpose of effecting and protecting the security of the American Government.

There has been testimony produced before this committee that considerable effort was made at the time you were employed on the



Manhattan project at Berkeley, Calif., to obtain restricted information from that laboratory from employees there for use by foreign governments. This investigation is designed to, if possible, uncover those facts, make them known to the American people.

Many of the questions which have been addressed to you and which you refused to answer were addressed to you for the sole purpose of eliciting information to help us in that respect. Notwithstanding your protestations of loyalty to the American Government and its institutions, you decline to aid us in that respect. It is just a little incongruous that a person can take those two positions and still say he is loyal to the American people and the American Government.

MR. BOHM. It doesn't seem incongruous to me. I have stated that I know of no effort to obtain information; that if I knew of them I certainly would tell of them immediately. Now, this is an entirely different question, it seems to me.

MR. WOOD. I know you said that, but does that protestation, do you think, carry very much conviction in view of your refusal that you have made to aid this committee in effectuating that very purpose?

MR. BOHM. Yes, I believe it does. That is, I mean I think that essentially—I feel on the basis of what I know that I do not believe that these other questions would actually be of any help, but I am not sure about that. I mean I am not an expert, but—

MR. WOOD. If you were convinced that they would, would you be willing to give us the information you have about it?

MR. BOHM. I would have to think of that in each specific case.

MR. WALTER. Well, now, if we pointed out to you the fact that it is not the desire of this committee or any member of it to embarrass anybody or to "get" anybody, to use the vernacular, but to inquire into the laxity of security measures in order to perhaps suggest legislation to cure what might develop to be very lax security measures, wouldn't you as a good American citizen, which you state you are, be willing to assist this committee in its inquiry?

We are the best judges of where the course of questioning should go, and we have in mind that, and that alone. I think everybody should understand that—that this committee is not trying to lay the groundwork for the prosecution of anyone, and we are not on any "witch hunt," but we have just simply been amazed at the laxity in the handling of very vital information, and it is entirely possible that this committee will in the very near future suggest measures to correct that situation.

We certainly feel that you, having been in it, ought to be willing and anxious to aid in doing whatever in the judgment of this committee and the Congress of the United States is necessary to be done in order to protect our country.

MR. BOHM. I am certainly not an expert on security measures, but different people have different opinions as to what are the best security measures, and many people I know have felt that security measures are quite adequate, and some even feel they have been so overemphasized as to interfere actually with the security of the Nation. This is a question upon which very many different people have different points of view.

MR. MCSWEENEY. You mean overanxious in making things secure?

MR. BOHM. I believe that in some cases many people feel that security has been so—people have concentrated so much on security



that they are not able to do the job on hand. In other words, I mean, as an analogy, take the individual who was so afraid to cross the street he would never be able to do anything. You would have to take a certain medium attitude in that.

Mr. WOOD. In other words, the question of the security of the American Government and its institutions and its restricted information has been overemphasized in your opinion? Is that right?

Mr. BOHM. I wouldn't care to make a categorical statement, because I have not studied it adequately. I would say it probably has in some cases and in other cases probably not.

Mr. McSWEENEY. Do you not think that persons who have to classify information had better err on the side of overcaution than the other side?

Mr. BOHM. To a certain extent, but there is always a limit. You have got to draw a dividing line somewhere.

Mr. McSWEENEY. I had to pass while I was in the Army on security matters, and I frankly say that I had to lean naturally to the security side rather than to the other side.

Mr. BOHM. I think that people—well, when a person has the job of trying to decide on security matters, he will naturally tend to lean in that direction. But he may tend to overlook the fact that leaning too much in that direction is also harmful.

Mr. McSWEENEY. I see how it could be carried to a conclusion where it would interfere with efficiency, but, on the other hand, I say it is better to err on the right side.

Mr. BOHM. I say it is better not to err at all.

Mr. McSWEENEY. Well, a thing might be classified today, and the situation might change so the necessity for that complete classification might not be necessary the next day. So, you cannot eliminate the possibility of error. An army moves up. A town is relieved. The security of that town is changed in 24 hours. And so the error made the day before, or rather the thing that was done properly the day before may be considered from the light of another day as an error. Isn't that true?

Mr. BOHM. All of this may be true. I don't quite see where it is leading. That is, I think that a certain number of errors are bound to be made in anything we do, and a certain number of risks are taken in anything you do. And people are bound to make some mistakes. But you try to do the best you can. You decide what you think is the best course.

Mr. WOOD. Despite all these discussions, it is your wish that your testimony remain as you have given it? Is that right?

Mr. BOHM. Yes.

Mr. WOOD. Any further questions, gentlemen?

Mr. RUSSELL. No further questions.

Mr. DURR. Is Mr. Bohm excused?

Mr. WOOD. Yes, sir. And the committee will stand in recess until further notice.

(Thereupon, at 12:30 p. m., the subcommittee adjourned until further notice.)



# HEARINGS REGARDING COMMUNIST INFILTRATION OF RADIATION LABORATORY AND ATOMIC BOMB PROJECT AT THE UNIVERSITY OF CALIFORNIA, BERKELEY, CALIF.

TUESDAY, JUNE 14, 1949

EXECUTIVE SESSION <sup>6</sup>

UNITED STATES HOUSE OF REPRESENTATIVES,  
COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

The committee met, pursuant to call, at 11:30 a. m. in room 226, Old House Office Building, Hon. John S. Wood (chairman) presiding.

Committee members present: Representatives John S. Wood, Burr P. Harrison, John McSweeney, Morgan M. Moulder, and Richard M. Nixon.

Staff members present: Louis J. Russell, senior investigator; Benjamin Mandel, director of research; John W. Carrington, clerk; William A. Wheeler, investigator; and A. S. Poore, editor.

Mr. WOOD. The committee will be in order.

Let the record disclose that Mr. Harrison, Mr. McSweeney, Mr. Moulder, Mr. Nixon, and Mr. Wood are present, a quorum.

Mr. RUSSELL. The first witness is Frank Oppenheimer.

(Thereupon, Dr. Frank Friedman Oppenheimer entered the hearing room, accompanied by his counsel, Mr. Clifford J. Durr.)

Mr. DURR. Mr. Chairman, I wonder if you would permit Mrs. Oppenheimer to come in with Dr. Oppenheimer at one and the same time? I assure you there will be no attempts at evasion. Some of the incidents you might want to talk about occurred a long time ago, and you might get more accurate information from both of them at the same time than separately.

Mr. WOOD. Will Mrs. Oppenheimer be a witness?

Mr. RUSSELL. Yes.

Mr. WOOD. We will proceed with one at the time.

Mr. DURR. What was your ruling?

Mr. WOOD. We will proceed with one at the time.

Dr. Oppenheimer, will you raise your right hand. You solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. OPPENHEIMER. I do.

Mr. WOOD. If it becomes necessary, in the course of the examination, for Dr. Oppenheimer to confer with Mrs. Oppenheimer, we will be very glad to give him that opportunity.

<sup>6</sup> Testimony taken in executive session and released during the public hearing in the afternoon of same day.



**TESTIMONY OF FRANK FRIEDMAN OPPENHEIMER (ACCOMPANIED  
BY HIS COUNSEL, CLIFFORD J. DURR)**

Mr. RUSSELL. Will you state your full name?

Dr. OPPENHEIMER. Frank Friedman Oppenheimer.

Mr. RUSSELL. When and where were you born?

Dr. OPPENHEIMER. New York City, August 1912.

Mr. RUSSELL. What is your present address?

Dr. OPPENHEIMER. University of Minnesota.

Mr. RUSSELL. Would you furnish the committee with a résumé of your educational background?

Dr. OPPENHEIMER. Yes. I went to grammar school and high school of the Ethical Culture Society, both in New York City. The high school was called the Fieldston High School.

I got my bachelor of science degree at Johns Hopkins University in 1933. I spent a year and a half working in the physics laboratory at Cavendish Laboratory, England, and about a quarter of a year working in the physics laboratory at the University of Florence in Italy.

I then returned to this country and spent 4 years at the California Institute of Technology at Pasadena, obtaining a Ph. D. degree.

Mr. RUSSELL. Would you furnish the committee with a résumé of your employment background?

Dr. OPPENHEIMER. I spent 2 years as a teaching assistant at Stanford University at Palo Alto, and then became, in the fall of 1941, a research associate at the University of California, at the Radiation Laboratory. I remained there until March 1947, and since then I have been employed at the University of Minnesota.

Mr. RUSSELL. What is your capacity at the University of Minnesota?

Dr. OPPENHEIMER. Assistant professor.

Mr. RUSSELL. Did you ever work at Oak Ridge and Los Alamos while you were stationed at Radiation Laboratory?

Dr. OPPENHEIMER. Yes.

Mr. RUSSELL. In what years?

Dr. OPPENHEIMER. I came to Los Alamos in the spring of 1945 and left in the fall of 1945. I was at Oak Ridge on and off during the period 1944 and 1945.

Mr. RUSSELL. While you were employed by the Radiation Laboratory at the University of California, were you paid from school or Government funds?

Dr. OPPENHEIMER. The funds came from the Government, I believe, but I was paid by the university.

Mr. RUSSELL. Have you ever used the name Frank Folsom?

Dr. OPPENHEIMER. I have never used that name except to write it down on a card.

Mr. HARRISON. Except what?

Dr. OPPENHEIMER. I have never used the name except that it was written on a card, on an application card.

Mr. HARRISON. On an application card?

Dr. OPPENHEIMER. Yes.

Mr. RUSSELL. What was the application filed for? What was the purpose of it?

Dr. OPPENHEIMER. It was an application for membership in the Communist Party.

Mr. RUSSELL. Did you subsequently become a member of the Communist Party, after you filed the application in the name of Frank Folsom?

Dr. OPPENHEIMER. Yes, I did.

Mr. RUSSELL. Were you issued a Communist Party membership card?

Dr. OPPENHEIMER. Yes.

Mr. RUSSELL. Do you recall the date?

Dr. OPPENHEIMER. I don't recall definitely the date. It must have been early in 1937.

Mr. RUSSELL. Did you ever resign your membership in the Communist Party?

Dr. OPPENHEIMER. I have dropped my membership in the Communist Party.

Mr. RUSSELL. Do you recall when you dropped it?

Dr. OPPENHEIMER. In the early spring of 1941. It may have been earlier than that, but it was not later than that. It may have been 1940.

Mr. RUSSELL. Are you acquainted with Frank J. Malina?

Dr. OPPENHEIMER. Yes, I remember that name.

Mr. RUSSELL. Do you recall in what connection you were acquainted with him?

Dr. OPPENHEIMER. No, except that I knew him in Pasadena.

Mr. RUSSELL. Was he known to you as a member of the Communist Party?

Dr. OPPENHEIMER. I do not wish to talk about the political ideas or affiliations of any of my friends, but I knew him in Pasadena.

Mr. WOOD. I can't hear you.

Dr. OPPENHEIMER. I knew Mr. Malina in Pasadena.

Mr. HARRISON. He said he did not want to talk about the political affiliations of any of his friends. Is that what you said, doctor?

Dr. OPPENHEIMER. That is right.

Mr. RUSSELL. Mr. Chairman, Frank Malina is a very important subject to the committee, and perhaps I can refresh Dr. Oppenheimer's memory in some respects on his associations with Frank Malina, after which I would again like to ask if Frank Malina was known to him as a member of the Communist Party.

Mr. WOOD. It is a very simple question, doctor, whether you knew him as a member of the Communist Party.

Dr. OPPENHEIMER. It is a very simple question, but I feel I know nothing evil of Mr. Malina. I know of no evil act of Mr. Malina and do not want to discuss his political opinions or affiliations.

Mr. WOOD. That is not an answer to the question.

Dr. OPPENHEIMER. I can assure you that were there any acts of Mr. Malina of which I knew which were inimical to any laws of the United States, I would have reported them.

Mr. WOOD. If you know if he was a member of the Communist Party, or not, or was known to you as a member of the Communist Party at any time, you can answer that?

Dr. OPPENHEIMER. I do not want to discuss that.

Mr. WOOD. Your preference is not an answer. Do you refuse to answer?

Dr. OPPENHEIMER. I cannot answer that question.

Mr. WOOD. But we must have an answer to it one way or the other. The question is very simple. Do you know or did you know him as a member of the Communist Party? You say you don't want to answer it?

Dr. OPPENHEIMER. I cannot answer that question about him.

Mr. WOOD. You mean you don't have the necessary information to answer it, or you decline to answer for the reasons you have stated?

Dr. OPPENHEIMER. I must decline to answer because of the reasons I have given.

Mr. WOOD. Because of your preference not to discuss the political affiliations of him or anybody else; is that right?

Dr. OPPENHEIMER. Of any people I know who have not committed any illegal act.

Mr. MOULDER. What is the doctor's name you are referring to?

Mr. RUSSELL. Frank Malina. He is a very important subject in our investigations.

Mr. MOULDER. Mr. Chairman, should he be asked the question if he knows whether or not Dr. Malina was ever a member of or associated with the Communist Party?

Mr. WOOD. Do you want to ask him that question?

Mr. MOULDER. Yes. Do you know of your own knowledge whether or not Dr. Frank Malina was a member of the Communist Party or actively associated with the Communist Party organization?

Dr. OPPENHEIMER. I have already declined to discuss his political affiliations.

Mr. MOULDER. Then you refuse to answer that question?

Dr. OPPENHEIMER. Yes.

Mr. MOULDER. Your answer is you do refuse to answer that question?

Dr. OPPENHEIMER. That is right.

Mr. HARRISON. Doctor, as I understand, you were employed at Oak Ridge during the war?

Dr. OPPENHEIMER. That is right. I worked at Oak Ridge and was employed by the University of California.

Mr. HARRISON. By the University of California?

Dr. OPPENHEIMER. Yes.

Mr. HARRISON. Did you work on the atomic bomb project there?

Dr. OPPENHEIMER. Yes, sir.

Mr. HARRISON. Was the fact of your membership in the Communist Party, or former membership in the Communist Party, revealed to the security authorities?

Dr. OPPENHEIMER. Not by me.

Mr. HARRISON. Not by you?

Dr. OPPENHEIMER. No.

Mr. HARRISON. They did not ask you and you did not tell them?

Dr. OPPENHEIMER. They did not ask me if I had been a Communist, and I did not tell them.

Mr. RUSSELL. When you joined the Communist Party, was it the Pasadena section, professional unit?

Dr. OPPENHEIMER. No, it was not.

Mr. RUSSELL. What was the section to which you belonged?

Dr. OPPENHEIMER. I don't remember the name of the section. It was probably the name of the region in which Pasadena is located.



Mr. RUSSELL. Do you recall who recruited your membership in the Communist Party?

Dr. OPPENHEIMER. I was not recruited.

Mr. RUSSELL. You joined of your own volition?

Dr. OPPENHEIMER. That is right.

Mr. RUSSELL. Where did you fill out the application for membership?

Dr. OPPENHEIMER. First from a newspaper clipping that I clipped out of a Communist paper which I believe was called the Western Worker and mailed into the Communist headquarters.

Mr. RUSSELL. When you left the Communist Party, what was your reason for dropping your membership?

Dr. OPPENHEIMER. There were a variety of reasons. The Communist Party did not seem to me to be effectively achieving the objectives for which I joined it. The kind of atmosphere which could arrive at an effective solution of the problems at that time, which demanded a great deal of free discussion, did not seem to be adequate. I felt that even in many theoretical aspects the Communist Party was not getting where I had hoped it would. I felt that in their discussions, in their work on other objectives, they did not try hard enough to convince other people of the essential soundness of their program.

Mr. RUSSELL. Were you very well acquainted with Frank Malina?

Dr. OPPENHEIMER. No, I was not.

Mr. RUSSELL. Do you know Dr. Sidney Weinbaum?

Dr. OPPENHEIMER. Yes, I know him.

Mr. RUSSELL. Was he known to you as a member of the Communist Party?

Dr. OPPENHEIMER. Again on this question I feel that I just cannot discuss that about any of the people that I have known.

Mr. Wood. Do I understand from that that you decline to answer that question for the reasons you have given?

Dr. OPPENHEIMER. I might restate those reasons: That I would like to cooperate with this committee in helping you find out any acts which were inimical to the United States, and if I knew of such acts I would have reported them already. I know it is for your decision how to proceed in this matter, but I cannot discuss political affiliations and political thoughts of people here. I believe they have to be questioned on these themselves.

Mr. Wood. You were asked the simple question of whether or not Sidney Weinbaum was known to you as a member of the Communist Party. You say you cannot answer that question because you don't want to discuss his political affiliations, but I understand from that that you refuse to answer?

Dr. OPPENHEIMER. That is right. I decline to answer.

Mr. RUSSELL. Are you acquainted with Martin Summerfield?

Dr. OPPENHEIMER. I know him.

Mr. RUSSELL. Was he known to you as a member of the Communist Party?

Dr. OPPENHEIMER. I refuse to answer that question for the same reasons.

Mr. RUSSELL. I would like to read into the record certain information regarding both Frank J. Malina and Martin Summerfield. Frank J. Malina and Martin Summerfield were employed on the Air Corps project at the California Institute of Technology. Malina was

in charge of a confidential defense project, with Summerfield as his assistant. It was stated that the project in question was under the jurisdiction of the War Department and that it was one involving explosives and installation of propellant rockets in the wings and fuselage of aircraft to increase the climbing rate of planes. Later Dr. Malina was secretary-treasurer of the Aero-Jet Engineering Corp. of Pasadena, Calif., which concern had Government contracts.

Dr. Oppenheimer, you would not be in a position to know whether or not Frank Malina or Martin Summerfield had ever committed any illegal acts in connection with their employment on defense projects, would you?

Dr. OPPENHEIMER. The last time I knew Mr. Malina was in 1939.

Mr. RUSSELL. You never saw him after that?

Dr. OPPENHEIMER. No, sir; not to my memory.

Mr. RUSSELL. Did you ever attend any Communist Party meetings at the home of Frank Malina?

Dr. OPPENHEIMER. That is a question which relates very closely to the others you have asked me, and I must refuse to answer that as well.

Mr. RUSSELL. Are you acquainted with Anita Whitney?

Dr. OPPENHEIMER. I have met never her, but know her name.

Mr. RUSSELL. Do you know Sue Barry?

Dr. OPPENHEIMER. Yes.

Mr. RUSSELL. Was she known to you as a member of the Communist Party?

Dr. OPPENHEIMER. No. She was known to me as a worker on a paper which I knew had Communist Party support.

Mr. RUSSELL. What paper is that?

Dr. OPPENHEIMER. People's World.

Mr. RUSSELL. That is the west coast organ of the Communist Party?

Dr. OPPENHEIMER. It may be. It didn't start that way.

Mr. RUSSELL. Did you ever attend any Communist Party meetings at her home?

Dr. OPPENHEIMER. I have attended parties at her home.

Mr. RUSSELL. Are you sure they were parties and not Communist Party meetings?

Dr. OPPENHEIMER. It is my recollection I was never at her home except for social affairs.

Mr. RUSSELL. Are you acquainted with Isaac Folkoff?

Dr. OPPENHEIMER. Yes.

Mr. RUSSELL. Was he known to you as a member of the Communist Party?

Dr. OPPENHEIMER. Yes.

Mr. RUSSELL. He was financial director of the Communist Party?

Dr. OPPENHEIMER. Yes.

Mr. RUSSELL. Are you acquainted with Mary Piper?

Dr. OPPENHEIMER. Yes.

Mr. RUSSELL. Was she known to you as a member of the Communist Party?

Dr. OPPENHEIMER. Again I refuse to answer that question.

Mr. RUSSELL. Are you acquainted with David Adelson?

Dr. OPPENHEIMER. Yes.

Mr. RUSSELL. Was he known to you as a member of the Communist Party?

Dr. OPPENHEIMER. I refuse to answer that question.

Mr. RUSSELL. Are you acquainted with Dr. Ignacio Milan?

Dr. OPPENHEIMER. That name is unfamiliar to me.

Mr. RUSSELL. Did you know Emilio Cordell, a writer for the Voice of Mexico?

Dr. OPPENHEIMER. No.

Mr. RUSSELL. You don't recall that name?

Dr. OPPENHEIMER. No.

Mr. RUSSELL. Are you acquainted with Rossi Lomanitz?

Dr. OPPENHEIMER. Yes.

Mr. RUSSELL. Was he ever known to you as a member of the Communist Party of the United States?

Dr. OPPENHEIMER. I refuse to answer that particular question.

Mr. RUSSELL. Are you acquainted with Joseph Weinberg?

Dr. OPPENHEIMER. Yes.

Mr. RUSSELL. Was he known to you as a member of the Communist Party?

Dr. OPPENHEIMER. No.

Mr. RUSSELL. He was never known to you as a member of the Communist Party?

Dr. OPPENHEIMER. No.

Mr. RUSSELL. Do you know David Bohm?

Dr. OPPENHEIMER. Yes.

Mr. RUSSELL. Was he known to you as a member of the Communist Party?

Dr. OPPENHEIMER. No.

Mr. MOULDER. Is he answering that question now "no"?

Mr. RUSSELL. When you say "no," would you like to base your answer on the fact you have no knowledge that Joseph Weinberg or David Bohm were members of the Communist Party?

Dr. OPPENHEIMER. That is right.

Mr. NIXON. In those two cases you are not refusing to answer?

Dr. OPPENHEIMER. I am not refusing to answer.

Mr. NIXON. You are stating you have no knowledge of their membership in the Communist Party?

Dr. OPPENHEIMER. That is right.

Mr. NIXON. In the other cases you have declined to answer?

Dr. OPPENHEIMER. Yes.

Mr. RUSSELL. Do you know Libby Burke?

Dr. OPPENHEIMER. No.

Mr. RUSSELL. Do you know Kenneth May?

Dr. OPPENHEIMER. I have met him.

Mr. RUSSELL. Is he known to you as a member of the Communist Party?

Dr. OPPENHEIMER. As a member of the Communist Party? I just can't answer that question. I refuse to answer it.

Mr. WOOD. Do you mean you do not have the necessary information to answer it?

Dr. OPPENHEIMER. No. I refuse to answer it.

Mr. RUSSELL. Do you know Haakon Chevalier?

Dr. OPPENHEIMER. Yes.



Mr. RUSSELL. Was he known to you as a member of the Communist Party?

Dr. OPPENHEIMER. I refuse to answer that question.

Mr. RUSSELL. Do you know George Charles Eltenton?

Dr. OPPENHEIMER. The name is familiar. I never met him.

Mr. RUSSELL. Did you ever ask anyone to furnish you with information relating to the atomic bomb, to which information you would not ordinarily have had access?

Dr. OPPENHEIMER. No.

Mr. RUSSELL. Do you know Orla Lair?

Dr. OPPENHEIMER. I can't remember that name.

Mr. RUSSELL. Do you know Sidney Goldstein?

Dr. OPPENHEIMER. No. When I answer "no" to these questions of people I don't know, it means to me that the name brings no person, and no identity, to my mind. It does not guarantee I have never met the person.

Mr. RUSSELL. To the best of your recollection you do not know them?

Dr. OPPENHEIMER. That is right.

Mr. RUSSELL. Gustav Albrecht. Do you recall that name?

Dr. OPPENHEIMER. No.

Mr. MOULDER. Mr. Chairman, off the record.

(Discussion off the record.)

Mr. WOOD. We will recess until 3 o'clock.

(Thereupon, at 11:50 a. m., a recess was taken until 3 p. m. of the same day.)

#### AFTERNOON SESSION

The committee reconvened, pursuant to adjournment, at 3:30 p. m., Hon. John S. Wood (chairman) presiding.

Committee members present: Representatives John S. Wood (chairman), Francis E. Walter, Burr P. Harrison, John McSweeney (arriving later, as indicated in record), Morgan M. Moulder, and Harold H. Velde.

Staff members present: Louis J. Russell, senior investigator; Benjamin Mandel, director of research; John W. Carrington, clerk; William A. Wheeler and Donald T. Appell, investigators; and A. S. Poore, editor.

Mr. WOOD. The committee will be in order.

Let the record disclose that Mr. Walter, Mr. Harrison, Mr. Moulder, Mr. Velde, and Mr. Wood are present, a quorum.

For the benefit of those who were not here this morning, we had as the witness Dr. Frank Oppenheimer, whose testimony was not concluded.

Mr. HARRISON. Is there any reason why the press could not have the testimony he gave this morning? I think it would be very interesting for the public to read it.

Mr. WOOD. Is it the sense of the committee that the hearing is in open session now?

Mr. VELDE. I believe it should be in open session.

Mr. HARRISON. And with the understanding they can have the earlier testimony if they want it.

Mr. WOOD. It is so ordered.

Very well, you can open the doors.

(The chairman addressed a member of the staff.)

Mr. DURR. Mr. Chairman, may Mrs. Oppenheimer remain in the room?

(Members of committee confer off the record.)

Mr. WOOD. It is the sense of the committee that the witnesses be heard one at a time. Mrs. Oppenheimer will have to be excused until we finish with the doctor.

Mr. HARRISON. I understand, Mr. Chairman, the testimony which this witness gave this morning will be released to the public?

Mr. WOOD. Yes. That is the decision of the committee.

**TESTIMONY OF FRANK FRIEDMAN OPPENHEIMER (ACCOMPANIED BY HIS COUNSEL, CLIFFORD J. DURR)—Resumed**

Mr. RUSSELL. Dr. Oppenheimer, you are appearing before the committee by virtue of a subpoena which was served on you on June 3, 1949, by a deputy marshal attached to the United States marshal's office for the district of Minnesota, are you not?

Dr. OPPENHEIMER. Yes.

Mr. RUSSELL. Dr. Oppenheimer, are you acquainted with Steve Nelson?

Dr. OPPENHEIMER. I have met Steve Nelson.

Mr. RUSSELL. Do you recall where you met him?

Dr. OPPENHEIMER. Yes; I recall.

Mr. RUSSELL. Was he known to you as a member of the Communist Party?

Dr. OPPENHEIMER. I presumed he was a member of the Communist Party.

Mr. RUSSELL. Do you recall where you met Steve Nelson? I believe I asked you that earlier.

Dr. OPPENHEIMER. Yes.

Mr. RUSSELL. Where was that?

Dr. OPPENHEIMER. I cannot say where that was. I refuse to say where that was in order not to involve——

Mr. HARRISON. I can't hear you.

Mr. WOOD. Suppose you make your answers loud enough for us to hear as well as counsel. I understood you to say you recall where you met him, but you decline to tell the committee where you met him?

Dr. OPPENHEIMER. That is right.

Mr. WOOD. Would you mind telling the committee the reasons for refusing to answer where you met Steve Nelson?

Dr. OPPENHEIMER. In describing where I met him it would imply political affinities of other people I do not wish to discuss because I do not feel competent to do so, especially in this case.

Mr. WOOD. Am I correct in this understanding: An answer to the question of where you met him would, in your opinion, reveal political activities of some person other than yourself?

Dr. OPPENHEIMER. It would not reveal anything, but it would suggest, perhaps in your minds, or in the public minds, political opinions which I do not wish to discuss.

Mr. WOOD. Would suggest political opinions?

Dr. OPPENHEIMER. I do not wish to imply or point to the political opinions of other people, even by indirection. In those cases where there might be any indication of illegal action or inimical action, I would certainly report those to you. I know of no such cases.

Mr. WOOD. You haven't been asked about anything of that sort.

Dr. OPPENHEIMER. I know that.

Mr. WOOD. You testified this morning that you, yourself, did join the Communist Party?

Dr. OPPENHEIMER. That is correct.

Mr. WOOD. Under a name other than your real name?

Dr. OPPENHEIMER. Under my name.

Mr. WOOD. I believe you said the name indicated on your membership card was a name other than your real name?

Dr. OPPENHEIMER. The only name I used was my name. At the same time that I signed, I put down another name because I was requested to. I never used the other name and never saw it after I put it down. I used my own name.

Mr. WOOD. Very well. You did belong to the Communist Party yourself?

Dr. OPPENHEIMER. Yes.

Mr. WOOD. When you first met Steve Nelson, were you at that time a member of the Communist Party yourself?

Dr. OPPENHEIMER. No.

Mr. WOOD. Was it before or after you joined the Communist Party?

Dr. OPPENHEIMER. After I had left.

Mr. WOOD. After you left the party?

Dr. OPPENHEIMER. Yes.

Mr. WOOD. Can you give us the approximate date you met him?

Dr. OPPENHEIMER. It was late 1941 or early 1942, I believe.

Mr. WOOD. I believe you stated this morning you left the party in 1941; is that correct?

Dr. OPPENHEIMER. Yes; I left the party in either late 1940 or very early 1941. I met Mr. Nelson for the first time in late 1941 or early 1942.

Mr. WOOD. And the question that was asked you by counsel was the location of this first meeting with Steve Nelson.

Dr. OPPENHEIMER. If he is interested in the town, I can answer that. It was in the town of Berkeley, Calif.

Mr. WOOD. And is that as near to the meeting place as you will give us?

Dr. OPPENHEIMER. Yes.

Mr. WOOD. The details, specific location of the meeting place, do you decline to give us the specific location of the meeting place where you met him?

Dr. OPPENHEIMER. Yes. The occasion I met him was not a political meeting. It was a social occasion.

Mr. WOOD. Then how can your answering the question imply political affiliations?

Dr. OPPENHEIMER. It is hard for me to tell how, but I have found many things can affect people whose meaning was not to affect them.

Mr. VELDE. Mr. Chairman.

Mr. WOOD. Mr. Velde.

Mr. VELDE. I think the witness should be warned of the penalty of his refusal to answer without sufficient grounds.

Mr. WOOD. The record will show that the witness is represented here by competent counsel who, I am sure, is familiar with the legal implications.



Mr. DURR. Thanks for the "very competent."

Mr. RUSSELL. Dr. Oppenheimer, did you ever meet Steve Nelson at more than one place, or was it the same place all the time?

Dr. OPPENHEIMER. Two different places.

Mr. RUSSELL. Two different places?

Dr. OPPENHEIMER. Yes. I met him only twice.

Mr. RUSSELL. Only twice?

Dr. OPPENHEIMER. Yes.

Mr. RUSSELL. At two different places?

Dr. OPPENHEIMER. Yes.

Mr. RUSSELL. A different place each time?

Dr. OPPENHEIMER. Yes; both being social occasions.

Mr. RUSSELL. Did you ever meet him in the home of Dr. Joseph Weinberg?

Dr. OPPENHEIMER. No; I did not meet him in the home of Dr. Weinberg.

Mr. RUSSELL. You stated this morning that when you joined the Communist Party you used the name Frank Folsom.

Dr. OPPENHEIMER. May I correct that? I did not use the name Frank Folsom. When I joined the Communist Party, for some reason which I did not understand at the time and have never understood since, they requested that my right name and another name be written down. This seemed to me ludicrous. I never used any name but my own, and at the time, because of the fact it seemed so ludicrous, I wrote down the name of a California jail.

Mr. RUSSELL. Who asked you to use the false name?

Dr. OPPENHEIMER. A person I do not recall, whose identity I do not recall, who took my application.

Mr. RUSSELL. Did you ever pay dues to the Communist Party of the United States?

Dr. OPPENHEIMER. I certainly did.

Mr. RUSSELL. To whom did you pay dues?

Dr. OPPENHEIMER. To the treasurer of the particular branch to which I happened to belong.

Mr. RUSSELL. Do you recall the branch?

Dr. OPPENHEIMER. No.

Mr. RUSSELL. Did you receive Communist Party membership cards during 1940 and 1941?

Dr. OPPENHEIMER. I do not remember whether I did or not.

Mr. RUSSELL. For purposes of the record, the committee's investigation reflects that in 1937, under the name of Frank Folsom, you were issued Communist Party book 56385. In 1938 you were issued Communist Party book 60493. And in 1939 you were the holder of Communist Party book No. 1001.

Mr. WOOD. Can you affirm or deny the correctness of the statement counsel has just made?

Dr. OPPENHEIMER. I can't possibly identify the numbers, but the fact that I was issued a membership book at that time, I certainly affirm.

Mr. RUSSELL. At the time of your membership in the Communist Party, that is, when you first joined in 1937, were you residing at 1288 Cordova Street in Pasadena, Calif.?

Dr. OPPENHEIMER. No.

Mr. RUSSELL. Did you ever reside at 1288 Cordova Street in Pasadena?

Dr. OPPENHEIMER. I resided on Cordova Street. I don't recall the number.

Mr. RUSSELL. Did you ever hold a meeting of the Communist Party branch or cell or unit to which you belonged in your home?

Dr. OPPENHEIMER. Yes.

Mr. RUSSELL. Could you tell the committee whether or not Frank Malina attended any of those meetings?

Dr. OPPENHEIMER. I cannot tell about the people who attended. I have refused to discuss this.

Mr. WOOD. There is a difference between inability and refusal.

Dr. OPPENHEIMER. I amended that to say I refuse.

Mr. WOOD. You refuse?

Dr. OPPENHEIMER. Yes.

Mr. RUSSELL. Do you recall whether or not Frank Malina also lived on Cordova Street at one time?

Dr. OPPENHEIMER. I do not recall.

Mr. RUSSELL. Did you ever attend any Communist Party meetings at his home?

Dr. OPPENHEIMER. I refuse to discuss the question of the membership in or connection with the Communist Party of any of the people who were friends of mine. I am aware of the implications of this and would like to ask—

(Witness confers with his counsel.)

Dr. OPPENHEIMER (continuing). I would like to ask, being aware of the implications of this and having explained my reasons to the best of my ability, that the committee not try to press me by one way or another into talking about the political affiliations of the people I know;

Mr. WOOD. The committee can't press you. All the committee can do is to ask you. We have no way of pressing you.

Dr. OPPENHEIMER. You do.

Mr. VELDE. So that this record will be clear, will you state your reasons again for refusing to answer the last question asked you by counsel?

Dr. OPPENHEIMER. Questions about political affiliations or sympathies or actions which might tend to be used to make plausible any of those political affiliations seem to me not matters which I can talk about here, because the people whom I have known throughout my life have been decent-thinking and well-meaning people. I know of no instance where they have thought, discussed, or said anything which was inimical to the purposes of the Constitution or the laws of the United States.

Mr. VELDE. Has anybody asked you about what these people said or did, Doctor?

Dr. OPPENHEIMER. And I do not want by implication, which is current in the spirit of the times, to imply that they have done anything inimical to the interests of the United States.

Mr. VELDE. Do you mean that such implications could be drawn by your merely answering whether you ever attended a Communist Party meeting at his home?

Dr. OPPENHEIMER. It seems to me the question involves, by implication, their employment, loyalty, and worthiness to be citizens

of this country, and therefore I cannot take it upon myself to involve people in a situation which might impugn their loyalty when I know nothing against their loyalty.

Mr. VELDE. If you know nothing against their loyalty, you could say so in answer to a question by counsel, couldn't you?

Dr. OPPENHEIMER. Yes, I could.

Mr. VELDE. That question has not been asked you. The question, as I understood it, was, did you ever attend a Communist Party meeting at his home.

Mr. DURR. I think you were asking for his reason for refusing to answer.

Mr. MOULDER. May I ask a question?

Mr. WOOD. Mr. Moulder.

Mr. MOULDER. Doctor, what was your occupation during the period you were actively a member of the Communist Party?

Dr. OPPENHEIMER. The period during which I was most active, I was at the same time a student.

Mr. MOULDER. At any time while you were an active member of the Communist Party, were you working for the atomic——

Mr. WOOD. Radiation Laboratory.

Dr. OPPENHEIMER. No.

Mr. HARRISON. You dropped your membership before your employment on Manhattan project?

Dr. OPPENHEIMER. Considerably before, yes.

Mr. MOULDER. What was the reason for dropping your membership?

Dr. OPPENHEIMER. I answered that this morning.

Mr. MOULDER. I don't recall the question or answer.

Dr. OPPENHEIMER. I stated that there were several reasons for my dropping out of the party, summed, in general, by the conclusion that the motives for which I joined the party, the particular and the general aspects which I thought would be desirable and which it might help to bring about, did not seem to be realized effectively through the party, nor could I contribute to them effectively through my membership in the party.

Mr. MOULDER. How long after you dropped your membership in the Communist Party did you start to work with the Manhattan project?

Dr. OPPENHEIMER. I believe the Manhattan District was organized in 1942, whereas I left the party in late 1940 or the first months of 1941.

Mr. MOULDER. That is all. Thank you.

Mr. WALTER. Dr. Oppenheimer, what is discussed at Communist Party meetings?

Dr. OPPENHEIMER. Everything that anybody can think of, and I will leave some of those things out, but events of the day are discussed. The Communist literature and non-Communist literature is read and discussed, and people try to understand what is going on in terms of what other people have written. They try to see what socialism means in terms of everyday surroundings; and in addition to this, and perhaps most of the time is taken in discussing concrete events that are happening in the United States at the time. The aid to Spain was the first thing which I think preoccupied us almost entirely. Later the other aspects of things that were going on in California, the labor situation, the role of the agricultural workers, their poverty, and things



like that were discussed, and in those discussions an attempt was made to determine how best to alleviate the plight of these people. I don't think the effort was always successful.

Mr. RUSSELL. Dr. Oppenheimer, you stated that at those meetings you discussed the situation in Spain. Were you referring to the so-called civil war in Spain?

Dr. OPPENHEIMER. Yes.

Mr. RUSSELL. Did you ever contribute any funds to Frank Malina to be used in connection with the war in Spain?

Dr. OPPENHEIMER. I contributed funds to an organization, I believe it was "Aid to Spain." I do not recall to whom I contributed funds for that organization.

(At this point Mr. McSweeney arrived at the hearing.)

Mr. MOULDER. Do you know Paul Crouch?

Dr. OPPENHEIMER. No.

Mr. RUSSELL. Are you acquainted with Jacob Dubnov?

Dr. OPPENHEIMER. Yes. I met him. He was at the institute.

Mr. RUSSELL. What institute? The California Institute of Technology?

Dr. OPPENHEIMER. Yes.

Mr. RUSSELL. Was he known to you as a member of the Communist Party?

Dr. OPPENHEIMER. I cannot talk about my friends.

Mr. WOOD. Dr. Oppenheimer, will you please make that answer more explicit? When you say you cannot, do you mean you decline to answer or that you do not have the necessary information to answer?

Dr. OPPENHEIMER. I decline.

Mr. WOOD. You decline to answer?

Dr. OPPENHEIMER. Yes.

Mr. RUSSELL. Do you know Richard N. Lewis?

Dr. OPPENHEIMER. That name is familiar. I don't recall how I know him.

Mr. RUSSELL. Do you recall whether or not you ever attended a Communist Party meeting at Frank Malina's residence which was also attended by Richard Lewis?

Dr. OPPENHEIMER. I have already declined to answer that question.

Mr. RUSSELL. Do you know Sam Rice (no relation to the former baseball player)?

Dr. OPPENHEIMER. Rice?

Mr. RUSSELL. R-i-c-e.

Dr. OPPENHEIMER. The name is not familiar to me.

Mr. RUSSELL. Do you know Sadie Rice?

Dr. OPPENHEIMER. No.

Mr. RUSSELL. While you were attached to radiation laboratory at the University of California, and after you had resigned from the Communist Party of the United States, did anyone solicit you to rejoin the Communist Party of the United States?

Dr. OPPENHEIMER. No.

Mr. RUSSELL. Have you ever attended any meetings of the Merriam branch of the Communist Party of California?

Dr. OPPENHEIMER. No.

Mr. RUSSELL. This morning you were asked if the particular cell, branch, or unit of the Communist Party to which you belonged was the Pasadena section of the Communist Party of the United States

or the professional unit. Can you recall now the exact name of the cell, branch, or unit to which you belonged?

Dr. OPPENHEIMER. No; I cannot.

Mr. RUSSELL. Did you every know Frank Malina under any other name?

Dr. OPPENHEIMER. No.

Mr. RUSSELL. Mr. Chairman, I have no further questions.

Mr. WOOD. Any questions?

Mr. VELDE. You stated that you met Steve Nelson at a meeting in Berkeley, Calif., I believe?

Dr. OPPENHEIMER. At a social function.

Mr. VELDE. The date of that meeting was the latter part of 1940?

Dr. OPPENHEIMER. No. It was either in the fall of 1941 or in the first few months of 1942.

Mr. VELDE. You refuse to state the location of that meeting with Steve Nelson?

Dr. OPPENHEIMER. Except that it was in the town of Berkeley, Calif.

Mr. VELDE. How long did you work for the Government on the Manhattan project?

Dr. OPPENHEIMER. From the time it was formed until 1947. I was not working for the Government. I was working for the University of California from the time it was formed until 1947.

Mr. VELDE. Were you working at the University of California Radiation Laboratory all that time?

Dr. OPPENHEIMER. Yes. I worked for the laboratory all the time, but I was not at the laboratory all the time.

Mr. VELDE. The laboratory, however, was your headquarters?

Dr. OPPENHEIMER. That is right.

Mr. VELDE. During any of that time did you have any meetings with Steve Nelson?

Dr. OPPENHEIMER. No.

Mr. VELDE. Did you know Dr. Joseph W. Weinberg?

Dr. OPPENHEIMER. I had seen Dr. Weinberg around the physics department. I really did not know him until after the war was over.

Mr. VELDE. Do you know Rossi Lomanitz?

Dr. OPPENHEIMER. I had also seen Lomanitz. I don't believe I had spoken to him, but I had seen him.

Mr. VELDE. During the time you were a member of the Communist Party, I believe you said you were a member of the Pasadena branch of the Communist Party?

Dr. OPPENHEIMER. I was a member of the Communist Party in Pasadena; yes.

Mr. VELDE. You never were a member of the Communist Party at San Francisco, Berkeley, or Oakland?

Dr. OPPENHEIMER. No.

Mr. VELDE. Did you ever attend any meetings of the Communist Party after you were employed on the Manhattan project?

Dr. OPPENHEIMER. No.

Mr. VELDE. Was anyone with Steve Nelson when you met him?

Dr. OPPENHEIMER. I met him at a social gathering where there were other people present.

Mr. VELDE. Did you meet with him on more than one occasion?

Dr. OPPENHEIMER. On two occasions

Mr. VELDE. And there were other people present at your meetings with Steve Nelson?

Dr. OPPENHEIMER. On both occasions; yes.

Mr. VELDE. Will you state the names of the other persons present?

Dr. OPPENHEIMER. No.

Mr. VELDE. You do know the names of some of the people who were present?

Dr. OPPENHEIMER. I do.

Mr. VELDE. And you refuse to answer?

Dr. OPPENHEIMER. Yes.

Mr. VELDE. That is all.

Mr. WALTER. Your meeting with Steve Nelson, I understand, was of a personal nature?

Dr. OPPENHEIMER. It wasn't even of a personal nature. It was of a social nature.

Mr. WALTER. At that meeting you did not discuss Communist affairs?

Dr. OPPENHEIMER. Not to my recollection.

Mr. WALTER. That is all.

Mr. WOOD. Mr. McSweeney?

Mr. McSWEENEY. I pass.

Mr. WOOD. Mr. Moulder?

Mr. MOULDER. No questions.

Mr. WOOD. I understood you to say this morning, when asked if Steve Nelson was a member of the Communist Party, that you presumed he was. Was that your answer?

Dr. OPPENHEIMER. I was asked that question this afternoon.

Mr. WOOD. Was that your reply?

Dr. OPPENHEIMER. Yes.

Mr. WOOD. Would you mind telling the committee what you base that presumption on?

Dr. OPPENHEIMER. I don't know just where that presumption comes from. I had heard his name before, and may have talked to him about it at the time. I don't know. But I just remember that in recollection I presumed he was a Communist; but I don't know how I came upon this presumption.

Mr. WOOD. One thing I can't understand myself, maybe you could give me some light on it, you apparently are willing to give the committee information as to what you base your conclusion on that Steve Nelson was a Communist, yet you decline to answer whether other persons about whom you are asked were known to you as Communists. Can you differentiate between Steve Nelson and the other persons about whom you have been asked?

Dr. OPPENHEIMER. No; I cannot.

Mr. WOOD. That is all.

Mr. RUSSELL. I would like to clear the record, if I can. In the case or cases where you met Steve Nelson at social gatherings, you have stated that you did not want to impugn that certain persons present at those gatherings were members of the Communist Party or associated with Communists. In the case of those persons as to whom you have declined to answer whether or not you knew them as members of the Communist Party, you declined to answer on the basis that you did not want to discuss other persons' political affilia-



tions. Is that the distinction that you have made in the two cases?

Dr. OPPENHEIMER. I wasn't aware of making any distinction.

Mr. RUSSELL. I believe when we asked who else was present at those social gatherings along with Steve Nelson, you indicated that you did not want to impugn that other persons were members of the Communist Party.

Dr. OPPENHEIMER. I did not want to discuss it because of the political beliefs or affiliations or associations of other people.

Mr. RUSSELL. In other words, you make no distinction in the two cases?

Dr. OPPENHEIMER. In which two cases?

Mr. RUSSELL. The two cases where you met Steve Nelson at social functions.

Dr. OPPENHEIMER. In those two cases, no; I make no distinction.

Mr. RUSSELL. Were there any persons present at the meetings with Steve Nelson, or at the parties which you attended where he was present, who were not members of the Communist Party?

Dr. OPPENHEIMER. I want to leave this question of the people who attended those meetings and their associations unanswered. I refuse to answer.

Mr. RUSSELL. In the cases where you were asked about persons such as Frank Malina, you declined to answer the question purely on the basis you did not want to discuss other persons' political affiliation.

Dr. OPPENHEIMER. That is right.

Mr. RUSSELL. That is all.

Mr. VELDE. I believe you stated that you remember being issued three Communist Party cards for the years 1937, 1938, and 1939. Were those cards actually given to you?

Dr. OPPENHEIMER. I think in some cases they were, and in other cases they were kept by the treasurer.

Mr. VELDE. After they were given to you, what did you do with them?

Dr. OPPENHEIMER. In the cases where they were given to me I gave them back again.

Mr. VELDE. Right at the immediate time?

Dr. OPPENHEIMER. No. I may have kept them for a while and then given them back.

Mr. VELDE. You carried them on your person?

Dr. OPPENHEIMER. Yes. I sent one to the laundry.

Mr. VELDE. How did it come back?

Dr. OPPENHEIMER. In a little envelope.

Mr. VELDE. Did those cards at that time carry a seal with a hammer and sickle on them?

Dr. OPPENHEIMER. I don't remember. They were green. I don't know what seal they carried.

Mr. WOOD. Did you preserve any one of them?

Dr. OPPENHEIMER. Oh, no.

Mr. WOOD. That is all.

Dr. OPPENHEIMER. May I stay in the room while my wife is testifying?

Mr. WOOD. Yes.

Dr. OPPENHEIMER. And I would like to turn this in for the record [handing paper to Mr. Russell].

Mr. MOULDER. Were you a member of the Communist Party prior to the declaration or entry of war by Germany against Russia?

Dr. OPPENHEIMER. When did that happen? Do you remember? I don't.

Mr. VELDE. June 22, 1941.

Dr. OPPENHEIMER. I had left the party before that.

Mr. MOULDER. You had resigned before that?

Dr. OPPENHEIMER. I had left the party before that.

Mr. MOULDER. Were you ever at a Communist Party meeting where they discussed the Communist Party going underground prior to the entry of war by Germany against Russia?

Dr. OPPENHEIMER. I don't know of any discussions of the party going underground; no.

Mr. RUSSELL. The letter produced by the witness is dated September 28, 1945, on War Department stationery, addressed to Dr. Frank Oppenheimer, Post Office Box 1663, Santa Fe, N. Mex. The letter is signed by L. R. Groves, major general, USA. Do you want me to read the letter in the record?

Mr. WOOD. It may be incorporated in the record.

Mr. DURR. We would like to substitute a photostat for the original. (The letter above referred to is as follows:)

WAR DEPARTMENT,  
POST OFFICE BOX 2610,  
Washington, D. C., September 28, 1945.

Dr. FRANK OPPENHEIMER:

*Post Office Box 1663, Santa Fe, N. Mex.*

MY DEAR DR. OPPENHEIMER: The War Department, the Manhattan Engineering District, and I, personally, appreciate the contribution which you have made to the development of the atomic bomb. The research and development work which you carried out in the Radiation Laboratory of the University of California, which with the work of others lead to the electromagnetic process for the separation of uranium was an essential factor in our success. Your further work in Tennessee and in New Mexico were also of great value. Your skill and judgment in the field of science are beyond praise.

Everywhere thinking persons must agree that the Atomic Bomb was the major final factor which determined the surrender of Japan. Although that surrender was an ultimate certainty in any case, the war would without doubt have continued for weeks and perhaps months longer had it not been for the use of our weapon.

All men pray that the forces of nuclear energy, which you helped to develop for use against the enemy, may be wisely controlled in the days to come, for the service of a world at peace and that with that peace will come a further expansion of world knowledge in all fields of science. In behalf of the War Department as the agent of our fellow-Americans, I wish to express to you grateful thanks for your indispensable part in our success.

Sincerely yours,

(Signed) L. R. GROVES,  
Major General, USA.

Mr. MOULDER. You withdrew from the Communist Party?

Dr. OPPENHEIMER. Yes.

Mr. MOULDER. What steps do you take to do that?

Dr. OPPENHEIMER. You just leave. At least, I did. You just don't go to any more meetings or pay any more dues.

Mr. MOULDER. After that period of time, though, you say you continued to actively associate with persons who have been named to you here, but whom you refuse to identify as members of the Communist Party?

Dr. OPPENHEIMER. I did not break off any friendships with people I liked.

Mr. MOULDER. You maintained your associations with——

Dr. OPPENHEIMER. With anybody I liked. And one point I would like to make clear is that during the war I knew of no Communist activity, nobody ever approached me to get information and I gave none, and I worked very hard and I believe made a valuable contribution.

Mr. RUSSELL. Since he introduced a letter from General Groves, I believe the record should show that the fact Dr. Frank Oppenheimer had withdrawn from the Communist Party was known to General Groves, and that Dr. Oppenheimer's loyalty at that time was vouched for by an outstanding scientist.

Mr. WOOD. Very well. You are excused.

Mr. DURR. May Dr. Oppenheimer stay in the room during his wife's testimony?

Mr. WOOD. There is no objection to Dr. Oppenheimer remaining in the room during his wife's testimony.

Mrs. Oppenheimer, will you raise your right hand, please, before you sit down. You solemnly swear the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. OPPENHEIMER. I do.

#### TESTIMONY OF JACQUENETTE OPPENHEIMER (ACCOMPANIED BY HER COUNSEL, CLIFFORD J. DURR)

Mr. RUSSELL. Will you state your full name for the record?

Mrs. OPPENHEIMER. Do you want my maiden name?

Mr. RUSSELL. No.

Mrs. OPPENHEIMER. Jacquenette, J-a-c-q-u-e-n-e-t-t-e, Oppenheimer.

Mr. RUSSELL. What was your maiden name?

Mrs. OPPENHEIMER. Quann, Q-u-a-n-n.

Mr. RUSSELL. When and where were you born?

Mrs. OPPENHEIMER. Vancouver, British Columbia, 1911.

Mr. RUSSELL. What is your present address?

Mrs. OPPENHEIMER. 4454 Edmond Boulevard, Minneapolis, Minn.

Mr. RUSSELL. Are you a naturalized citizen of the United States?

Mrs. OPPENHEIMER. No. My father and mother are American citizens.

Mr. RUSSELL. Are you acquainted with Brownlee Shirek, S-h-i-r-e-k?

Mrs. OPPENHEIMER. Yes.

Mr. RUSSELL. Will you spell his first name?

Mrs. OPPENHEIMER. I guess it is B-r-o-w-n-l-e-e.

Mr. RUSSELL. Have you ever been a member of the Communist Party of the United States?

Mrs. OPPENHEIMER. Yes.

Mr. RUSSELL. For how long a period?

Mrs. OPPENHEIMER. From 1937 until the spring of 1941.

Mr. RUSSELL. Where did you join the Communist Party?

Mrs. OPPENHEIMER. In Pasadena, Calif.

Mr. RUSSELL. What was the name of the section or unit to which you belonged?



Mrs. OPPENHEIMER. The unit, as far as I remember, had no name. I guess it was just known as the Pasadena section.

Mr. RUSSELL. Were you employed by anyone at the time you joined the Communist Party?

Mrs. OPPENHEIMER. No.

Mr. RUSSELL. Would you furnish the committee with a résumé of your employment background?

Mrs. OPPENHEIMER. I haven't had any real full-time employment. I was in college when I got married, and at that time I was working part-time waiting on tables, and I also worked for the Safeway Corp. part-time. This was all during the time that I was in school. Other than that I haven't had any employment background.

Mr. RUSSELL. Are you at the present time a member of any organizations whatsoever?

Mrs. OPPENHEIMER. I belong to the League of Women Voters and the League of Women Shoppers.

Mr. RUSSELL. Do you belong to any other organizations?

Mrs. OPPENHEIMER. I belong to the Parent-Teacher Association.

Mr. RUSSELL. Were you acquainted with Brownlee Shirek in July 1944?

Mrs. OPPENHEIMER. In July 1944? I think so.

Mr. RUSSELL. Did you ever at any time give him a personal check for \$385, that you can recall?

Mrs. OPPENHEIMER. I don't know if that was the exact amount, but I did lend him close to \$600.

Mr. RUSSELL. Was he known to you as a member of the Communist Party at that time?

Mrs. OPPENHEIMER. I would rather not testify as to his political beliefs or ideas. This loan was a purely personal loan for something that I never was able to find out.

Mr. RUSSELL. Do you know whether or not he intended to turn that money over to someone else? Did you ask him for what purpose he wanted to use the money?

Mrs. OPPENHEIMER. I asked him many times, and if I could tell you, I did it out of friendship for his wife, whom I have known since college days. I was never able to find out, and she was never able to find out, what it was for. It was for some kind of jam he was in.

Mr. RUSSELL. Was he in a jam, or was it someone else?

Mrs. OPPENHEIMER. I don't know if it was someone else, but this is what he told me.

Mr. RUSSELL. Was he known to you as a member of the Communist Party at that time?

Mrs. OPPENHEIMER. I would rather not testify as to his political affiliations or any ideas he had.

Mr. RUSSELL. In what capacity was Mr. Shirek employed at that time?

Mrs. OPPENHEIMER. I think he was a laundry driver.

Mr. RUSSELL. Was he an official of a labor union at that time?

Mrs. OPPENHEIMER. I am not sure, but I think he was an official of a labor union at that time. I am not quite sure of the date. Did you say 1944?

Mr. RUSSELL. Yes.

Mrs. OPPENHEIMER. I really can't be sure about the date, but there was a time I did lend him a lot of money.

Mr. RUSSELL. Are you acquainted with Frank J. Malina?

Mrs. OPPENHEIMER. Malina?

Mr. RUSSELL. M-a-l-i-n-a.

Mrs. OPPENHEIMER. I think I know him, or did know him.

Mr. RUSSELL. How did you know him?

Mrs. OPPENHEIMER. I think I met him in Pasadena.

Mr. RUSSELL. Was he known to you as a member of the Communist Party?

Mrs. OPPENHEIMER. I would rather not say about his affiliations. I don't like to talk about other people's political activities.

Mr. RUSSELL. Do you know Martin Summerfield?

Mrs. OPPENHEIMER. I have met him.

Mr. RUSSELL. Was he known to you as a member of the Communist Party?

Mrs. OPPENHEIMER. The same answer every time. I really would not like to say.

Mr. RUSSELL. Are you acquainted with Paul Crouch?

Mrs. OPPENHEIMER. No.

Mr. RUSSELL. Are you acquainted with Sylvia Crouch?

Mrs. OPPENHEIMER. No.

Mr. RUSSELL. Are you acquainted with Kenneth May?

Mrs. OPPENHEIMER. I have met him.

Mr. RUSSELL. Did you ever attend a celebration at his home?

Mrs. OPPENHEIMER. No.

Mr. RUSSELL. Was he known to you as a member of the Communist Party?

Mrs. OPPENHEIMER. Kenneth May?

Mr. RUSSELL. Yes.

Mrs. OPPENHEIMER. Here again I wouldn't like to say one way or the other.

Mr. RUSSELL. Are you acquainted with Sue Barry?

Mr. OPPENHEIMER. Yes; I knew her.

Mr. RUSSELL. Was she known to you as a member of the Communist Party?

Mrs. OPPENHEIMER. I still say the same thing. I just don't like to testify on such things.

Mr. RUSSELL. Are you acquainted with Isaac Folkoff?

Mrs. OPPENHEIMER. Yes.

Mr. RUSSELL. Was he known to you as a member of the Communist Party?

Mrs. OPPENHEIMER. He was known as a functionary of the Communist Party.

Mr. RUSSELL. He was financial director of the Communist Party; was he not?

Mrs. OPPENHEIMER. I believe so.

Mr. RUSSELL. Are you acquainted with David Adelson?

Mrs. OPPENHEIMER. I have met him.

Mr. RUSSELL. Was he known to you as a member of the Communist Party?

Mrs. OPPENHEIMER. I just don't like to testify on these matters.

Mr. RUSSELL. Are you acquainted with Libby Burke?

Mrs. OPPENHEIMER. No.

Mr. RUSSELL. Are you acquainted with Orla Edward Lair?

Mrs. OPPENHEIMER. No.

Mr. RUSSELL. Are you acquainted with Gustav Albrecht?

Mrs. OPPENHEIMER. The name does not sound familiar to me.

Mr. RUSSELL. Are you acquainted with Anita Whitney?

Mrs. OPPENHEIMER. No.

Mr. RUSSELL. Are you acquainted with Mary Piper?

Mrs. OPPENHEIMER. Yes; I know Mary Piper.

Mr. RUSSELL. Was she known to you as a member of the Communist Party?

Mrs. OPPENHEIMER. Here, again, I don't like to testify to her political beliefs and ideas.

Mr. RUSSELL. Did you ever know Frank Malina under the name of Frank Palma?

Mrs. OPPENHEIMER. No.

Mr. RUSSELL. Did you ever know him under the name of Frank Parma?

Mrs. OPPENHEIMER. No.

Mr. MOULDER. What is the purpose of these questions, Mr. Russell? I am somewhat in the dark as to what we are driving at.

Mr. RUSSELL. In the case of Frank Malina, we have information, in connection with another investigation, which indicates that he is a member of the Communist Party, and in certain other capacities was acquainted with both Mr. and Mrs. Oppenheimer. In the case of the other persons about whom she has been asked, they were reported to us, during the course of investigations, as being members of a particular Communist cell. The cell held meetings in the homes of both Frank Malina and Frank Oppenheimer. Some of the persons I have named are alleged to have attended those meetings.

Mr. WALTER. What would be added to this inquiry if Mr. and Mrs. Oppenheimer both testified that they knew the political beliefs of these people?

Mr. RUSSELL. In connection with the committee's investigation as it relates to Frank Malina, it might be important to the committee to be able to establish the fact that he was a member of the Communist Party. We have the number of one Communist Party card issued to him. And with reference to these other persons, they are reported to us as having been members of the Communist Party, and one of the committee's functions is to make known all members of the Communist Party; and the further purpose is that it is in connection with the committee's investigation of a Communist cell which existed at radiation laboratory at the University of California.

Mr. MOULDER. Which was engaged in the development of the atomic energy program?

Mr. RUSSELL. Yes, sir.

Mr. MOULDER. Very well. Thank you.

Mr. RUSSELL. Are you acquainted with Muriel Weinberg?

Mrs. OPPENHEIMER. Muriel Weinberg?

Mr. RUSSELL. Yes, the wife of Joseph Weinberg?

Mrs. OPPENHEIMER. Yes.

Mr. RUSSELL. Was she known to you as a member of the Communist Party?

Mrs. OPPENHEIMER. Here again I would not care to testify.

Mr. RUSSELL. Are you acquainted with Laura Fox?

Mrs. OPPENHEIMER. I don't remember anybody by that name.

Mr. RUSSELL. Are you acquainted with Joseph W. Weinberg?



Mrs. OPPENHEIMER. Yes.

Mr. RUSSELL. Was he ever known to you as a member of the Communist Party?

Mrs. OPPENHEIMER. Here I still wish to beg off.

Mr. RUSSELL. Are you acquainted with Richard N. Lewis?

Mrs. OPPENHEIMER. The name sounds familiar, but I don't place him.

Mr. RUSSELL. Did you ever attend any meetings of the particular branch or cell or unit of the Communist Party to which you belonged at the home of Frank Malina?

Mr. DURR. This is the same kind of question she has been answering that she would rather not talk about other people.

Mr. RUSSELL. Will you answer the question, please?

Mrs. OPPENHEIMER. I would rather not talk about Mr. Malina's personal affairs.

Mr. RUSSELL. I have no further questions.

Mr. WOOD. Mr. Walter, any questions?

Mr. WALTER. Do you believe that the Un-American Activities Committee is a greater menace to our free institutions than the Communists are?

Mr. DURR. Congressman, what is the purpose of questions of that sort? I was wondering if that has any bearing on the issue here.

Mr. WOOD. The committee has a right to inquire into personal beliefs of witnesses, under a decision of the court of appeals yesterday.

Mrs. OPPENHEIMER. Are you asking me the question?

Mr. WALTER. I gathered Mr. Durr wanted to answer it.

Mr. DURR. I was raising the issue of the propriety of the question. Of course the committee is the judge of its own procedures.

Mrs. OPPENHEIMER. First, I know nothing about the Communist Party in the last 7 or 8 years. As far as this committee or any congressional committee, I think they are a good idea. I think this is the way you find out what kind of laws should be made, or at least you make recommendations. As far as that goes I think it is a good idea.

Mr. WALTER. How large a group were in the Pasadena section of the Communist Party?

Mrs. OPPENHEIMER. I couldn't tell you exactly because it fluctuated over a period of time, but I would say from 10 to perhaps 30.

Mr. WALTER. Thirty maximum?

Mrs. OPPENHEIMER. I don't know if that is the maximum. That is just a guess. I can't really remember.

Mr. WALTER. Where were the people employed, what did they do, who were members?

Mrs. OPPENHEIMER. I presume they were employed all over. There were a lot of people unemployed.

Mr. WALTER. That is all.

Mr. WOOD. Mr. McSweeney?

Mr. McSWEENEY. With reference to Communist Party membership cards, do they ever issue joint cards to husband and wife, or to individual members?

Mrs. OPPENHEIMER. To individual members. At least we had individual cards.

Mr. McSWEENEY. Did you know of any family memberships?

Mrs. OPPENHEIMER. I never heard of such a thing.

Mr. WOOD. Mr. Moulder?

Mr. MOULDER. No questions.

Mr. WOOD. Mr. Velde?

Mr. VELDE. Do you remember receiving cards from the treasurer or secretary of the Pasadena branch of the Communist Party?

Mrs. OPPENHEIMER. Did I ever receive a card?

Mr. VELDE. Yes.

Mrs. OPPENHEIMER. We did get a card, if that is what you mean.

Mr. VELDE. Can you give a general description of that card?

Mrs. OPPENHEIMER. I am afraid I can't.

Mr. VELDE. They issued cards each year, did they not?

Mrs. OPPENHEIMER. I can't remember that either. I don't remember if it was every year or 3 months or 6 months.

Mr. VELDE. To whom did you pay your dues as a Communist Party member?

Mrs. OPPENHEIMER. You pay them to somebody in the group.

Mr. VELDE. The treasurer, perhaps?

Mrs. OPPENHEIMER. I suppose it would be the treasurer.

Mr. VELDE. Did you ever examine your card closely after you got it?

Mrs. OPPENHEIMER. I don't think I examined it very closely.

Mr. VELDE. What did you do with it after you got the card?

Mrs. OPPENHEIMER. You mean where did I carry it?

Mr. VELDE. Yes.

Mrs. OPPENHEIMER. I think I left it in a dresser drawer at home.

Mr. VELDE. Do you recall whether or not the Communist Party carried a seal depicting the hammer and sickle?

Mrs. OPPENHEIMER. I don't.

Mr. VELDE. I think you stated that you knew Isaac Folkoff was a member of the Communist Party; is that correct?

Mrs. OPPENHEIMER. That is correct. He was known as a Communist.

Mr. VELDE. Did you know him as a Communist Party member?

Mrs. OPPENHEIMER. I knew that he was a Communist.

Mr. VELDE. Do you ever recall seeing his membership card?

Mrs. OPPENHEIMER. No.

Mr. VELDE. On what occasions did you meet him?

Mrs. OPPENHEIMER. I went to a study class once at which he was present.

Mr. VELDE. We appreciate what you said about the committee, Mrs. Oppenheimer. You have taken the liberty of revealing the name of Isaac Folkoff as a member of the Communist Party without reflecting on his character or political beliefs, then you have refused to answer questions about others counsel has asked you about. You could be of great help to the committee and its work if you answered questions about others about whom you were asked.

Mrs. OPPENHEIMER. The thing about Mr. Folkoff is that I feel it is up to him. He had already told everybody he was a Communist, and he was known as a Communist. As far as I remember, he was a State party functionary.

Mr. VELDE. Did you know Steve Nelson?

Mrs. OPPENHEIMER. I met him on two occasions.

Mr. VELDE. Do you recall the dates of those meetings?

Mrs. OPPENHEIMER. No; I don't.

Mr. VELDE. Where were they?

Mrs. OPPENHEIMER. They were purely social occasions.

Mr. VELDE. Do you remember where they were held?

Mrs. OPPENHEIMER. No. They were parties.

Mr. VELDE. In what city?

Mrs. OPPENHEIMER. In Berkeley.

Mr. VELDE. In private homes?

Mrs. OPPENHEIMER. Private homes; yes.

Mr. VELDE. Have you ever been to the Communist Party headquarters in Oakland?

Mrs. OPPENHEIMER. No.

Mr. VELDE. That is all.

Mr. WOOD. Any further questions?

Mr. RUSSELL. Why did you leave the Communist Party?

Mrs. OPPENHEIMER. Well, it was very simple. I felt first, I guess, when I joined it, that Communist Party would answer a lot of the problems of the world at that time, which, as you remember, was in 1937, and things were not too good. After being in it for sometime I discovered that no matter what I said, or what a lot of other people said who were within the organization, it didn't do any good so far as their policy was concerned; and I felt this was not really a democratic way to approach the situation, and I just, I suppose, couldn't take it.

Mr. RUSSELL. Mrs. Oppenheimer, you appeared before the committee by virtue of a subpoena which was served upon you on June 3, 1949, at 4454 Edmond Boulevard, Minneapolis, Minn., by a deputy marshal attached to the office of John J. McGowan, United States marshal for the district of Minnesota; is that right?

Mrs. OPPENHEIMER. That is right.

Mr. RUSSELL. That is all.

Mr. WALTER. You have testified that you left the party because no matter what you said, it didn't do any good so far as their policy is concerned. What was their policy?

Mrs. OPPENHEIMER. I didn't mean any specific policy. I meant decisions of what you were going to do, just as in the committee, were supposed to be made in a democratic fashion where everybody voted on it, but I found it did not work that way.

Mr. WALTER. You found the policy was decided beforehand?

Mrs. OPPENHEIMER. I suppose that was it.

Mr. WALTER. Probably dictated, so that instead of having a democratic decision as to action, you were sold whatever somebody decided the policy was?

Mrs. OPPENHEIMER. I don't know that I was ever sold it.

Mr. WALTER. An attempt was made to convince you that the policy dictated was the proper policy?

Mrs. OPPENHEIMER. Yes, and there was no way of changing it if you didn't like it.

Mr. WALTER. Do you know where that policy came from?

Mrs. OPPENHEIMER. No. From their so-called literature, I guess.

Mr. WALTER. Did you discover that the policy was dictated somewhere else, in some other country in the world?

Mrs. OPPENHEIMER. That I couldn't say, because I don't know, but you could read it in their newspaper, and if you didn't like it, it was too bad.

Mr. McSWEENEY. May I ask one more question?



Mr. Wood. Mr. McSweeney.

Mr. McSWEENEY. You had three different cards. Did the dues change at any time? Were they different in Berkeley, Pasadena, or any place else, or were they standard dues?

Mrs. OPPENHEIMER. I didn't belong in Berkeley. I belonged in Palo Alto and Pasadena. The dues for housewives——

Mr. McSWEENEY. The reason I am asking, some wives have said their husbands joined for them.

Mrs. OPPENHEIMER. I joined myself.

Mr. McSWEENEY. You joined of your own belief?

Mrs. OPPENHEIMER. Yes. I cut a clipping from a newspaper.

Mr. McSWEENEY. And for the 3 years the dues were the same?

Mrs. OPPENHEIMER. Yes, essentially. I can't remember, but I am pretty sure they were.

Mr. McSWEENEY. You have no knowledge what the dues are used for, do you?

Mrs. OPPENHEIMER. Well, I don't know what they are used for specifically, but they were sort of divided up, so much for the home group and so much——

Mr. McSWEENEY. You don't know where any of the money sent out from the home group went?

Mrs. OPPENHEIMER. It supposedly went to a county group, and from there to a State group, and from there to a national group.

Mr. McSWEENEY. Thank you.

Mr. Wood. And from there on you don't know where it went?

Mrs. OPPENHEIMER. No, I don't know.

Mr. Wood. Mrs. Oppenheimer, do you remember the serial number of either of your cards?

Mrs. OPPENHEIMER. I do not. I can't even recall my current car license number.

Mr. VELDE. You believed at that time that the American Communist Party was an integral part of the Communist International (Comintern)?

Mrs. OPPENHEIMER. I believe at one time they belonged to it.

Mr. VELDE. You are pretty sure it was at that time?

Mrs. OPPENHEIMER. I think it was earlier.

Mr. VELDE. Do you feel that at that time the Communist Party of America believed in the overthrow of our form of government by force and violence?

Mrs. OPPENHEIMER. No, I don't. I am sure I never would have joined it if I had thought that at all.

Mr. VELDE. Do you think they believed in the overthrow of our form of government by any other means, by social revolution?

Mrs. OPPENHEIMER. I don't know what you mean by social revolution. My feeling was they were working for the betterment of general conditions.

Mr. VELDE. And you were disappointed because they actually were not working for better conditions, and so you left the Party; is that right?

Mrs. OPPENHEIMER. When I first joined, the Communist Party did a great deal of work for Spain, at least as far as my part was concerned, in collecting money and clothing and so on to send Spanish Loyalists, and this I thought was a good idea, and I supported it. I

would probably have done it whether or not I was in the Communist Party, but they at that time were supporting it.

Mr. Wood. You may be excused.

Dr. Oppenheimer, could I speak to you a moment?

(Discussion off the record between Mr. Wood and Dr. Frank Friedman Oppenheimer.)

Mr. Wood. Is that all, Mr. Russell?

Mr. RUSSELL. Yes, sir.

Mr. Wood. I ask the committee to remain in executive session, please, for a few minutes.

Mr. DURR. Doctor and Mrs. Oppenheimer are excused?

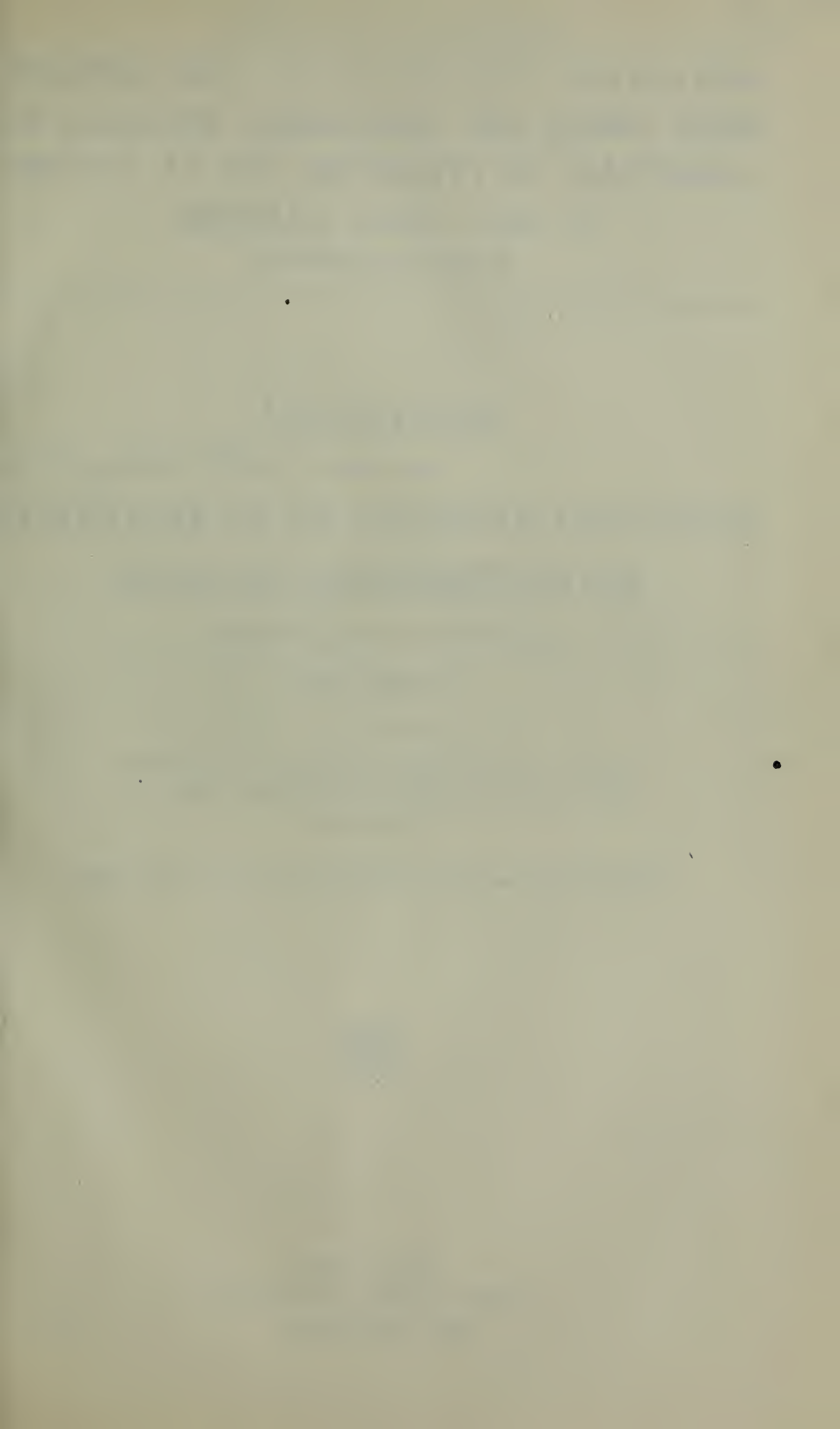
Mr. Wood. They may be excused.

(Thereupon, at 4:45 p. m., the committee went into executive session.)

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HEARINGS REGARDING COMMUNIST INFILTRATION  
OF RADIATION LABORATORY AND ATOMIC BOMB  
PROJECT AT THE UNIVERSITY OF CALIFORNIA,  
BERKELEY, CALIF.—VOL. II

(Identification of Scientist X)

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HEARINGS

*U.S. Congress, House*

BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES

HOUSE OF REPRESENTATIVES

EIGHTY-FIRST CONGRESS

FIRST SESSION

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AUGUST 26, 1949, JULY 1, SEPTEMBER 10, 1948

AUGUST 14 AND SEPTEMBER 14 AND 27, 1949

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# HEARINGS REGARDING COMMUNIST INFILTRATION OF RADIATION LABORATORY AND ATOMIC BOMB PROJECT AT THE UNIVERSITY OF CALIFORNIA, BERKELEY, CALIF., VOLUME II (IDENTIFICATION OF SCIENTIST X)

FRIDAY, AUGUST 26, 1949

UNITED STATES HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE COMMITTEE  
ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

## EXECUTIVE SESSION

A special subcommittee of the Committee on Un-American Activities comprised of Hon. John S. Wood, chairman, convened in room 226, Old House Office Building, Washington, D. C.

Mr. Wood. The following excerpts from testimony which was taken in executive session of the Committee on Un-American Activities during the Eightieth Congress is hereby being adopted and being made part of the record of the committee's investigation of the so-called "Scientist X" case during the Eighty-first Congress:

(Excerpt)

## EXECUTIVE SESSION

UNITED STATES HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON NATIONAL SECURITY OF  
THE COMMITTEE ON UN-AMERICAN ACTIVITIES  
*Washington, D. C., Thursday, July 1, 1948.*

The subcommittee met, pursuant to call, at 10:30 a. m., in room 226, Old House Office Building, Washington, D. C., Hon. John McDowell presiding.

Member present: Representative John McDowell.

Staff members present: Robert E. Stripling, chief investigator; Louis J. Russell, William A. Wheeler, and Robert B. Gaston, investigators; and A. S. Poore, editor.

Mr. McDOWELL. The hearing will come to order.

Mr. RUSSELL. Mr. Chairman, the witness this morning is Col. John L. Lansdale, Jr.

Will you stand and be sworn, please, Colonel Lansdale?  
(The witness was duly sworn.)

\* \* \* \* \*

Mr. RUSSELL. Are you familiar with the name Steve Nelson?

Colonel LANSDALE. Yes, sir.

Mr. RUSSELL. Do you recall the names of any scientists who were contacted by Steve Nelson?

Colonel LANSDALE. At least one; yes.

Mr. RUSSELL. Who was that?

Colonel LANSDALE. Joe Weinberg.

## (Excerpt)

## EXECUTIVE SESSION

UNITED STATES HOUSE OF REPRESENTATIVES,  
 SPECIAL SUBCOMMITTEE OF THE  
 COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C., Friday, September 10, 1948.*

The special subcommittee met, pursuant to call, at 10 a. m., in room 226, Old House Office Building, Hon. J. Parnell Thomas (chairman) presiding.

Committee members present: Representatives J. Parnell Thomas, John McDowell, and Richard B. Vail.

Staff members present: Robert E. Stripling, chief investigator; Louis J. Russell, William A. Wheeler, and Donald T. Appell, investigators; and A. S. Poore, editor.

(The witness, William S. Wagener, having been duly sworn, the following excerpts were part of the testimony:)

Mr. WHEELER. Do you know an individual by the name of Bernadette Doyle?

Mr. WAGENER. Yes, sir.

Mr. WHEELER. Did she contact any scientists employed by the radiation laboratory?

Mr. WAGENER. Joseph Weinberg.

Mr. WHEELER. On how many occasions?

Mr. WAGENER. Just once.

Mr. WHEELER. Will you describe the meeting?

Mr. WAGENER. One evening we were on physical surveillance, and we saw this woman whom we identified as Bernadette Doyle go up to the door of Joseph Weinberg and talk to him for a few minutes. She departed and got in her car. She had her car parked a block or so away. She got in her car and drove away.

Shortly after, Weinberg and his wife came out, got in their car and drove around very suspiciously, stopping here and there, and apparently like they were going to contact someone, but they apparently did not meet the individual, whoever it was.

Mr. WHEELER. Was there any connection between Bernadette Doyle and Steve Nelson?

Mr. WAGENER. I understand through hearsay only that she was secretary or something.

\* \* \* \* \*

# HEARINGS REGARDING COMMUNIST INFILTRATION OF RADIATION LABORATORY AND ATOMIC BOMB PROJECT AT THE UNIVERSITY OF CALIFORNIA, BERKELEY, CALIF., VOLUME II (IDENTIFICATION OF SCIENTIST X)

SUNDAY, AUGUST 14, 1949

UNITED STATES HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE COMMITTEE  
ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

## EXECUTIVE SESSION

The subcommittee of one met, pursuant to call, at 4 p. m., in room 226, Old House Office Building, Hon. Harold H. Velde presiding.

Committee member present: Hon. Harold H. Velde.

Staff members present: Louis J. Russell, senior investigator; Donald T. Appell, investigator.

Mr. VELDE. We should let the record show that Representative Velde was appointed last Thursday as a subcommittee of one to take the testimony of Mr. Murray.

Will you raise your right hand, Mr. Murray. In the testimony you are about to give, do you solemnly swear you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MURRAY. I do.

## TESTIMONY OF JAMES STERLING MURRAY

Mr. APPELL. Mr. Murray, for the record, will you state your full name?

Mr. MURRAY. James Sterling Murray.

Mr. APPELL. What is your present address?

Mr. MURRAY. Well, my permanent address is 2112 Shepard Street NE., Washington 18, D. C.

Mr. APPELL. What is your present occupation?

Mr. MURRAY. I am assistant to the president of the Lindsay Light & Chemical Co., West Chicago, Ill.

Mr. APPELL. Were you formerly associated with the CIC of the Army?

Mr. MURRAY. Yes, I was. I was appointed in the CIC in December 1941, and was with that organization until my discharge from the Army, March 1946.

Mr. APPELL. During your association with the CIC, were you assigned to the Manhattan Engineering District?

Mr. MURRAY. Yes, I was. I was assigned to Manhattan Engineering District in January 1943, and was so assigned until March 1946.



Mr. APPELL. During your assignment to the Manhattan Engineering District, to what projects were you assigned, specifically?

Mr. MURRAY. From January 1943 until——

Mr. APPELL. Roughly.

Mr. MURRAY. Roughly, April 1944, I was officer in charge of security and intelligence in the San Francisco district, and as such, handled security and intelligence work at such projects as the one at the University of California.

From April 1944 until March 1946, I was officer in charge of security and intelligence in the Chicago district, and as such, handled security and the intelligence work for 98 different contractors, one of which was the University of Chicago.

Mr. APPELL. During the period of your assignment in the San Francisco area under the MED, did you have occasion to obtain knowledge of the Communist cell which was operating among scientists working at the radiation laboratory at the University of California?

Mr. MURRAY. Yes, I did, and we actively investigated the alleged cell.

Mr. APPELL. In connection with your investigation, did your investigation lead to an investigation of one Joseph W. Weinberg?

Mr. MURRAY. Yes. We actively investigated him for over a year.

Mr. APPELL. Can you recall how you first became interested in the case of Joseph W. Weinberg?

Mr. VELDE. I think if you will tell the story in your own words as nearly as possible, we can fill in with questions later.

Mr. MURRAY. A highly confidential informant informed our office that an unidentified scientist at the radiation laboratory had disclosed certain secret information about the Manhattan engineering project to a member of the Communist Party in San Francisco, and this confidential informant went on to say that such information was transmitted to the Russian consulate in San Francisco, and later was on its way to Washington, D. C., and later out of the country in a diplomatic pouch.

This was the only allegation we had to begin with, but through information which the confidential informant was able to supply us on the background of the particular scientist, we finally narrowed it down and definitely fixed the scientist as Joseph W. Weinberg.

Mr. RUSSELL. That is, you identified him as the person who had turned information over to a member of the Communist Party in San Francisco?

Mr. MURRAY. Yes.

Mr. RUSSELL. Was the person who was a member of the Communist Party in San Francisco Steve Nelson?

Mr. MURRAY. Yes, it was.

Mr. APPELL. What was the approximate date you were informed that Joseph W. Weinberg turned over this secret formula to Steve Nelson?

Mr. MURRAY. I would first like to make it clear that the information was not a formula, I don't believe. It was highly confidential information about the objective of the project, and I think that first came to our attention through this confidential informant in January 1943.

Mr. APPELL. Did your investigation determine that Joseph Weinberg was employed at the project at that time?

Mr. MURRAY. Yes. The informant very definitely pointed out that Weinberg was employed in a confidential position at that time.

Mr. APPELL. Where was the Manhattan project at the University of California located?

Mr. MURRAY. At Berkeley, Calif.

Mr. VELDE. Was it a part of the University of California campus at Berkeley?

Mr. MURRAY. Yes. It was quite spread out. For the most part it was concentrated at the radiation laboratory physical facilities.

Mr. APPELL. You testified that Weinberg was employed at the project in January 1943. The records of employment submitted to us by the AEC shows Weinberg's employment with the radiation laboratory as commencing April 22, 1943. Can you explain to the committee the discrepancy?

Mr. MURRAY. Well, I am not too clear on the matter, but the way we understood it at the time was that in the initial stages of the Manhattan project, for reasons of security and secrecy, that certain people, or scientists, engaged in work on the project were listed on the University of California pay roll, whereas actually their duties were on the project; and later it became very cumbersome to do things that way, and all such people were transferred to the Manhattan project pay roll as such. I think that explains the discrepancy.

In addition, some of these scientists were on fellowships and on scholarships and under a head man who would be granted so much money by the Manhattan project to carry on a certain endeavor, and he, in turn, would pay the employees and the scholarship people.

Mr. VELDE. You are satisfied that Dr. Joseph W. Weinberg was employed by the University of California in January 1943 and that he was engaged in work on the Manhattan project at that time?

Mr. MURRAY. Yes. We were satisfied he was actively engaged in work on the project.

Mr. APPELL. After you had been advised by the confidential informant as to the unidentified scientist, what did your surveillance in order to identify the scientist reveal?

Mr. MURRAY. We had certain key things to go by in information from the confidential informant: (a) The informant advised that this particular scientist had a wife from Wisconsin. (b) The informant advised that the scientist was very young and just shortly out of college. (c) The informant advised that the young scientist was in the process of working solely in a certain physics field.

Those were three of the clues. There were many more which I can't recall offhand. We were able to go through the personnel records and, by examination, narrow the field down to two or three, one of which was Weinberg; and subsequently we were able to definitely identify him as the man.

Mr. APPELL. After you definitely identified the person who turned over secret and restricted information to Steve Nelson, did your office ever observe him in meetings, or having further contacts, with Steve Nelson?

Mr. MURRAY. Yes. We observed such a meeting, one which I personally observed.



Mr. APPELL. Could you describe this meeting and give the committee the approximate date of the meeting?

Mr. MURRAY. I would like to go off the record a second.

Mr. VELDE. Off the record.

(Discussion off the record.)

Mr. VELDE (continuing). On the record.

Mr. MURRAY. On August 12, 1943, we were conducting physical surveillance of Joseph W. Weinberg, and at approximately 5 o'clock in the afternoon a highly confidential informant advised us that there was to be some type of a meeting at Weinberg's home that evening, at which Steve Nelson and Bernadette Doyle would be present. I immediately instituted surveillance of the entire area by the agents assigned to our office, to watch the visitors in the Weinberg home, and I, myself, stationed myself next door to the Weinberg home. I believe it was located on Blake Street in Berkeley, Calif.

At approximately 9 o'clock I observed a man known to me to be Steve Nelson, and a woman known to me to be Bernadette Doyle, approach the Weinberg home and enter therein. After their entry into the Weinberg home I, in the company of agents Harold Zindle and George Rathman, went to the roof of the apartment house which was immediately next door to the Weinberg home, and from an observation post on the roof I was able to look into the second-story apartment of Weinberg.

I noted Weinberg, Steve Nelson, and Bernadette Doyle, in company with at least five other members, some of whom were employed by the radiation laboratory, seated around a table in the dining room of the Weinberg apartment.

At approximately 9:20 p. m. Weinberg came to the window and attempted to adjust the window, it being a very hot and sticky night. He had some difficulty in raising the window, or lowering it, or something, and Steve Nelson came over to help him, at which time I was able to get a good look and identify him.

Mr. VELDE. Just a minute, if you please. Do you have a picture of Weinberg? I think at this point possibly you had better have him identify it.

Mr. APPELL. We have a newspaper picture.

Mr. RUSSELL. While Nelson and Weinberg were at the window, did you observe whether or not any conversation took place between the two individuals?

Mr. MURRAY. I did observe some conversation, but I think it only had to do with the window adjustment at that point. I observed them sitting around the table, at which time the conversation appeared to be very serious.

Mr. RUSSELL. Do you recall the other persons around the table in Weinberg's apartment at this meeting you are describing?

Mr. MURRAY. I don't recall all. I know Giovanni Rossi Lomanitz; David Bohm; Irving David Fox; Max Friedman. I know Max Friedman was there, but for a very short time. He was the first one to leave.

Mr. RUSSELL. What other agents of the Manhattan Engineering District accompanied you on the occasion of this surveillance?

Mr. MURRAY. Special agents Harold Zindle and George Rathman.

Mr. RUSSELL. Will you spell Rathman, please?

Mr. MURRAY. R-a-t-h-m-a-n.



Mr. RUSSELL. These two agents were also assigned to the Manhattan Engineering District, were they not?

Mr. MURRAY. Yes, they were. I was their immediate superior.

Mr. RUSSELL. Did you maintain a surveillance of the Weinberg apartment on the occasion of this meeting until it broke up?

Mr. MURRAY. Yes, we did. I believe the meeting broke up at about 10:15 p. m., at which time we saw a general shaking of hands and a general showing of disposition to leave, at which time I ran down to the street floor again and observed Nelson and Doyle leaving together. They turned east on Blake Street, and I turned east on Blake Street also, and was immediately in front of them. We proceeded up the street approximately 100 feet in that fashion, at which time I thought, for the purposes of the record, that I should make some face-to-face contact with Mr. Nelson, and so I swung on my heel and started west on Blake Street, and in so doing I touched the shoulder of Nelson. We both immediately pardoned each each, and I continued west on Blake Street, and my surveillance of the entire proceeding was at an end at that point.

Mr. APPELL. Mr. Murray, I show you a picture and ask you if you can identify the person on the left as you look at the picture as being that of Steve Nelson?

Mr. MURRAY. Yes, that is Steve Nelson as slightly older than when I knew him.

Mr. APPELL. And that is the individual you bumped into on Blake Street in Berkeley, Calif.?

Mr. MURRAY. Yes.

Mr. VELDE. Let that be marked "Murray Exhibit 1" and received in evidence.<sup>1</sup>

Mr. RUSSELL. When you bumped into him, that was after he had left the residence of Joseph Weinberg?

Mr. MURRAY. Yes.

Mr. APPELL. I show you a picture that appeared in the Washington Post as of September 22, 1948, and ask if that is the individual you observed in the Blake Street residence with Steve Nelson?

Mr. MURRAY. Yes. I identify the picture as the picture of Dr. Joseph Weinberg, and as the individual who was in his own apartment sitting around the table with Mr. Nelson.

Mr. APPELL. And the individual you saw standing at a window of the apartment together with Steve Nelson, attempting to fix the window?

Mr. MURRAY. Yes, that is right.

Mr. VELDE. Let that be marked "Murray Exhibit 2" and received in evidence.<sup>2</sup>

How far was your point of observation from the window which you have just described, approximately?

Mr. MURRAY. The distance is approximately 30 feet, and I would say at about a 20° angle. I was above them about 20°.

Mr. VELDE. Was there anything between you and the window where Weinberg and Nelson appeared that would obstruct your vision?

Mr. MURRAY. There were the ordinary curtains and shades. However, the shades were up and the curtains were parted, giving us a good view in the room. And, of course, it was nighttime, and peering

<sup>1</sup> Murray exhibit 1, retained in the committee files.

<sup>2</sup> Murray exhibit 2, retained in the committee files.

from the darkness into the light you can always observe quite well.

Mr. VELDE. Did you see Dr. Weinberg and Steve Nelson shake hands or indicate in any way that they knew each other?

Mr. MURRAY. I don't recall that, sir. I did observe their talking together, which, to my mind, would signify some previous friendship or acquaintanceship.

Mr. RUSSELL. Do you recall where the other two agents conducting the surveillance were stationed?

Mr. MURRAY. They were on the roof with me.

Mr. APPELL. Mr. Murray, was there a special agent James J. Kilgore assigned to your office?

Mr. MURRAY. Yes, there was.

Mr. APPELL. Did Kilgore participate in the surveillance that night?

Mr. MURRAY. He may have participated in the surveillance that night, but he may have been in an outlying territory and may or may not have observed the proceedings. I don't know. I don't recall.

Mr. APPELL. Mr. Murray, do you have knowledge of a subsequent meeting between Steve Nelson and Weinberg in the Weinberg residence?

Mr. MURRAY. No, I have no knowledge of any other meetings.

Mr. APPELL. Off the record.

(Discussion off the record.)

Mr. VELDE. Let me ask you a question for the record. On the evening of August 12, 1943, about which you have been testifying, were there any FBI agents present, to your knowledge?

Mr. MURRAY. To my knowledge, the FBI was surveilling Steve Nelson and Bernadette Doyle until such time as they entered the Weinberg residence.

Mr. VELDE. You don't remember the names of the agents?

Mr. MURRAY. I don't recall specifically the names of the FBI agents who were on that surveillance that particular evening.

Mr. APPELL. Was your office able to identify the majority of the scientists at the radiation laboratory who made up a Communist cell within that project?

Mr. MURRAY. I think I would be very optimistic to say we identified all of them. However, I do think that during the course of many, many investigations at that particular project, and through our intensive efforts on Weinberg, Friedman, Bohm, and Lomanitz, there did come to our attention all the people who were concerned with the operation of a body, purpose unknown.

Mr. APPELL. How about John Hite Grove?

Mr. MURRAY. Grove on occasion was associated with the people I have previously named, although I don't believe he was quite as active or, in our estimation, quite as dangerous as some of the others. Grove appeared to be more conscientious about his work and less conscientious about furthering certain political philosophies.

Mr. VELDE. Do you know of any further facts which would be interesting or informative to this committee concerning the Communist cell that was operating among the scientists at the University of California?

Mr. MURRAY. Well, during the course of our investigative activities it came to our attention that this group of people were meeting almost weekly, and on occasion we intercepted, after a meeting, pamphlets which were going to be mailed to other personnel at the Uni-

versity of California, which were, incidentally, addressed and the envelopes sealed by Mrs. Weinberg and Mrs. Fox. We knew that these people were meeting for some reason, but we never were able to determine the exact reason, and upon inquiry a member of this group would always reply that they were a chapter of the Federation of Architects, Engineers, Chemists, and Technicians.

Mr. RUSSELL. Were those pamphlets, which you mentioned as having been distributed by Mrs. Fox and Mrs. Weinberg to various persons attached to the radiation laboratory, political pamphlets, or were they pamphlets of the Federation of Architects, Engineers, Chemists, and Technicians?

Mr. MURRAY. Those were pamphlets of a political nature and, if I recall correctly, stated the current Communist Party line at the moment.

Mr. APPELL. Did your office also observe Mrs. Weinberg and Mrs. Fox sending to the same people within the University of California a book by Earl Browder entitled "Victory and After"?

Mr. MURRAY. Yes.

Mr. APPELL. To which was attached a note: "With compliments of the Merriman branch of the Communist Party."

Mr. MURRAY. Yes.

Mr. VELDE. Did your investigation reveal that Dr. Joseph W. Weinberg was a member of the Merriman branch of the Communist Party?

Mr. MURRAY. We didn't actually ever see Weinberg's card, but through information supplied by confidential informants, we pretty definitely established in our own minds that he was an active member of the Communist Party.

Mr. VELDE. That was during the year 1943?

Mr. MURRAY. That was during the year 1943.

Mr. VELDE. Let's go back to the meeting you have described at the home of Dr. Joseph W. Weinberg on August 12, 1943. You have identified several of those members present. Could you state now how many were actually present at that meeting whom you could not identify?

Mr. MURRAY. I believe that at that time I could identify all of them. At this moment I fail to recall all of them.

Mr. VELDE. Would you say there were more than six sitting around the table in the dining room of Dr. Joseph W. Weinberg's home?

Mr. MURRAY. Including Weinberg, Nelson, and Doyle, I would judge that there were 9 or 10 present.

Mr. VELDE. And you observed conversation between Dr. Weinberg and Steve Nelson at that time?

Mr. MURRAY. Yes, I did.

Mr. VELDE. Did any particular person appear to be in charge of this group, as chairman?

Mr. MURRAY. I think that Nelson directed the conversation, because it appeared that the questions and answers were directed to him and that he was a leading factor in the conversation, so to speak.

\* \* \* \* \*

Mr. VELDE. I think, for the purpose of the record, if you will state briefly your educational background and your occupation since the time you left the service, it would be helpful to the committee.



Mr. MURRAY. I am a graduate lawyer, and since being relieved of active duty with the Army I have been employed by the Lindsay Light & Chemical Co. in the capacity of assistant to the President, in which capacity I handle legal affairs of the company.

Mr. VELDE. Where did you go to law school?

Mr. MURRAY. St. Paul College of Law, St. Paul, Minn.

Mr. RUSSELL. What was your rank, or what were the various ranks you held, while assigned to the Manhattan project?

Mr. MURRAY. During the time I was in the San Francisco office I held the ranks of first and second lieutenant. During the time I was in Chicago I was captain.

Mr. VELDE. Mr. Murray, your being a lawyer, from your legal knowledge of the amount of evidence necessary to prove a crime, would you say that under the situation where Dr. Joseph W. Weinberg denied under oath that he was acquainted with Steve Nelson, and further denied he was acquainted with Steve Nelson when confronted with Steve Nelson while he was under oath, would that set of facts, in your opinion, constitute sufficient evidence to warrant indictment for perjury?

Mr. MURRAY. I would say most definitely it constitutes perjury if Dr. Weinberg made the statement under oath, inasmuch as I personally observed a meeting between the two parties which would indicate that they knew each other very well.

Mr. VELDE. You have certainly been a great help to us, and we appreciate your coming here.

(Whereupon, at 5:15 p. m., the subcommittee adjourned.)

# HEARINGS REGARDING COMMUNIST INFILTRATION OF RADIATION LABORATORY AND ATOMIC BOMB PROJECT AT THE UNIVERSITY OF CALIFORNIA, BERKELEY, CALIF., VOLUME II (IDENTIFICATION OF SCIENTIST X)

WEDNESDAY, SEPTEMBER 14, 1949

UNITED STATES HOUSE OF REPRESENTATIVES,  
COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

Certain members of the staff of the Committee on Un-American Activities, including Frank S. Tavenner, Jr., counsel; Louis J. Russell, senior investigator; William A. Wheeler, investigator; A. S. Poore, editor; and K. E. Zimmerman, stenographer, convened in room 226, Old House Office Building, Washington, D. C., no member of the committee being present, in order to take the statement of a witness who was under subpoena to appear before the committee.

Mr. RUSSELL. The record should show that the staff has been unable to secure a member of the committee for the purpose of swearing the witness in and, in order to accommodate the witness, we will take his statement in question-and-answer form and as soon as it is typed it will be presented to the witness to make any corrections he desires to make, so far as his answers are concerned, after which we will take it before a notary public where he can attest to the fact that the answers which he gave, as shown in the transcript of the examination, are those which he gave to investigators and counsel of the committee.

The record should also show that the witness is accompanied by counsel, Mr. Clifford Durr.

Mr. Manfred, will you state your full name?

Mr. MANFRED. Ken Max Manfred.

Mr. RUSSELL. What is your present address?

Mr. MANFRED. 2019 McGee, Berkeley, Calif.

Mr. RUSSELL. Were you ever known by any other name?

Mr. MANFRED. Yes; before I legally changed my name, I was called Max Bernard Friedman.

Mr. RUSSELL. Will you spell the last name?

Mr. MANFRED. F-r-i-e-d-m-a-n.

Mr. RUSSELL. You said you legally changed your name—where did you change it?

Mr. MANFRED. I have the official transcript. [Passed transcript on to counsel.]

Mr. RUSSELL. What day did you legally change your name?

Mr. MANFRED. I legally changed my name on September 17, 1945, before the circuit court of Cook County, Ill.

Mr. RUSSELL. What is your present occupation?

Mr. MANFRED. At present I am assistant professor of physics on leave of absence in order to obtain my Ph. D.

Mr. RUSSELL. By whom are you employed as an assistant professor of physics?

Mr. MANFRED. By the University of Puerto Rico.

Mr. RUSSELL. Which school are you presently attending?

Mr. MANFRED. At present, or rather last year, I was attending the University of California and I intend to reregister this month at the University of California at Berkeley.

Mr. RUSSELL. Is your tuition at the University of California being paid by the University of Puerto Rico?

Mr. MANFRED. The University of Puerto Rico is giving me a scholarship, I imagine it may be called, of \$2,000 a year, which is, of course, to help pay my living expenses and whatever other things I may need.

Mr. RUSSELL. Were you at one time employed at the radiation laboratory at the University of California at Berkeley?

Mr. MANFRED. Yes, I believe in 1943.

Mr. RUSSELL. For how long a period were you employed by the radiation laboratory?

Mr. MANFRED. I believe it was about 10 months.

Mr. RUSSELL. The records of the Atomic Energy Committee reflect that you were employed at the radiation laboratory by the Manhattan Engineering District from August 28, 1943, to September 1944—is that about correct?

Mr. MANFRED. Well, they probably know more accurately than I, but that seems rather late.

Mr. RUSSELL. From September 4, 1942, through August 28, 1943—does that sound right?

Mr. MANFRED. Yes, that sounds better.

Mr. RUSSELL. Did you subsequently become employed by the metallurgical laboratory at the University of Chicago? Was that a part of the Manhattan Engineering District project?

Mr. MANFRED. Probably so. I applied for a position there myself.

Mr. RUSSELL. To whom did you apply—the University of Chicago or a Government agency?

Mr. MANFRED. I am not aware of the difference, but I applied to the personnel of the theoretical section of the laboratory and I was told that they did not need a theoretical man, but I might possibly work in some other section.

Mr. RUSSELL. While you were at the metallurgical laboratory, did you perform any work on the Manhattan project?

Mr. MANFRED. Probably so.

Mr. RUSSELL. Don't you recall?

Mr. MANFRED. I am not aware of the difference—but I worked in the metallurgical laboratory.

Mr. RUSSELL. By whom were you paid?

Mr. MANFRED. I don't know who signed the checks—but probably I was paid under the Manhattan engineering project.

Mr. RUSSELL. For what reason did you leave the employment of the Manhattan engineering district in Chicago?

Mr. MANFRED. I was told that they were unable to obtain clearance for me for the project at Berkeley. I had not been told about that—for a period of 5 months they said they had been corresponding re-



garding my clearance but could not obtain one, therefore they would have to relieve me.

Mr. RUSSELL. Do you have a brother named Sam Friedman?

Mr. MANFRED. Yes.

Mr. RUSSELL. Is he still in Russia?

Mr. MANFRED. Yes, he is.

Mr. RUSSELL. Do you know, or are you acquainted with, the occupation which he follows in Russia?

Mr. MANFRED. My impression is that he is a translator and writer.

Mr. RUSSELL. Is he employed by the Soviet Government?

Mr. MANFRED. I do not believe by the Government itself.

Mr. RUSSELL. When did he go to Russia?

Mr. MANFRED. About 20 years ago.

Mr. RUSSELL. Mr. Manfred, have you ever been a member of the Young Communist League?

Mr. MANFRED. I decline to answer on the ground of self-incrimination.

Mr. RUSSELL. Are you now, or have you ever been, a member of the Communist Party of the United States?

Mr. MANFRED. I decline to answer on the ground of self-incrimination.

Mr. RUSSELL. Are you acquainted with an individual named Rossi Lomanitz?

Mr. MANFRED. Yes, he is a good friend of mine.

Mr. RUSSELL. Did you ever attend any Communist Party meetings with him?

Mr. MANFRED. I decline to answer that question on the same ground.

Mr. RUSSELL. Are you acquainted with an individual named David Bohm?

Mr. MANFRED. Yes.

Mr. RUSSELL. Are you acquainted with Irving David Fox?

Mr. MANFRED. Yes.

Mr. RUSSELL. Do you know Robert R. Davis?

Mr. MANFRED. I don't believe so.

Mr. RUSSELL. Did you ever attend any Communist Party meetings with David Bohm?

Mr. MANFRED. I decline to answer that question on the same ground.

Mr. RUSSELL. Did you ever attend any Communist Party meetings with Irving David Fox?

Mr. MANFRED. I decline to answer that question on the same ground.

Mr. RUSSELL. Are you acquainted with John Hite Grove?

Mr. MANFRED. I do not believe so.

Mr. RUSSELL. Do you know Kenneth May?

Mr. MANFRED. I have heard of him but do not know him.

Mr. RUSSELL. Are you acquainted with Joseph W. Weinberg?

Mr. MANFRED. Yes.

Mr. RUSSELL. Have you ever attended Communist Party meetings with Joseph Weinberg?

Mr. MANFRED. I decline to answer that question on the same ground.

Mr. RUSSELL. Are you acquainted with Steve Nelson?

Mr. MANFRED. I decline to answer that question on the same ground.

Mr. RUSSELL. Mr. Manfred, I will show you a photograph of Steve Nelson—he is this individual on the left-hand side—have you ever set eyes on this man? [Hands photograph to witness.]

Mr. MANFRED. I decline to answer that question on the same ground.

Mr. RUSSELL. Have you ever been present at the home of Steve Nelson?

Mr. MANFRED. I decline to answer that question on the same ground.

Mr. RUSSELL. Do you know Bernadette Doyle?

Mr. MANFRED. I decline to answer on the same grounds.

Mr. RUSSELL. Are you acquainted with Mrs. Libby Burke?

Mr. MANFRED. I decline to answer that question on the same ground.

Mr. RUSSELL. Do you recall where Joseph Weinberg lived in Berkeley, Calif.?

Mr. MANFRED. I believe it was on Blake Street.

Mr. RUSSELL. Were you a member of the Communist Party in 1943?

Mr. MANFRED. I decline to answer that question on the same ground.

Mr. RUSSELL. Did you ever attend a Communist Party meeting at the home of Joseph W. Weinberg on Blake Street in Berkeley, Calif., which was also attended by Steve Nelson, Bernadette Doyle, Irving David Fox, and Rossi Lomanitz?

Mr. MANFRED. I decline to answer that question on the same ground.

Mr. RUSSELL. Are you acquainted with Pettis Perry?

Mr. MANFRED. No.

Mr. RUSSELL. You don't know him?

Mr. MANFRED. No, I do not.

Mr. RUSSELL. When you attended the University of California, was your tuition paid by any outside individual such as a foundation or some such organization?

Mr. MANFRED. Never.

Mr. RUSSELL. Have you ever received financial support from any such foundation?

Mr. MANFRED. I do not remember any such thing.

Mr. RUSSELL. How was your education financed at the University of California?

Mr. MANFRED. Well, I often worked part time selling shoes and often on Saturdays. Usually during the summer period I worked full time.

Mr. RUSSELL. Were you ever an airplane assembler?

Mr. MANFRED. Yes, in 1937-38.

Mr. RUSSELL. In that connection, in what organization were you employed?

Mr. MANFRED. North American Aviation of Englewood, Calif.

Mr. RUSSELL. I don't believe I have asked the date and place of your birth.

Mr. MANFRED. I was born in Philadelphia, Pa., on February 5, 1915.

Mr. RUSSELL. Our information indicates that you graduated from Bell High School in Bell, Calif., in 1932.

Mr. MANFRED. That is correct.

Mr. RUSSELL. Have you received an A. B. degree from the University of California in Los Angeles in 1940?

Mr. MANFRED. That is correct.

Mr. RUSSELL. From 1942, or at least during 1942, you were doing graduate work at the University of California at Berkeley?

Mr. MANFRED. That is also correct.

Mr. RUSSELL. Have you ever had any employment other than that mentioned in the course of the examination?

Mr. MANFRED. From 1933 to 1936, I worked in a shoe store again. During probably 1941—probably the latter part of 1940, I was teaching assistant of physics at the University of California.

Mr. RUSSELL. When did you become employed by the University of Puerto Rico?

Mr. MANFRED. In 1945 I was given the position of assistant professor of physics at the College of Mechanical Arts in Mayaguez, P. R.

Mr. DURR. Is the A. & M. College in Puerto Rico connected with the university?

Mr. MANFRED. Yes, it is a branch of the University of Puerto Rico.

Mr. RUSSELL. While employed by the radiation laboratory or the metallurgical laboratory at the University of Chicago, were you ever asked to furnish any information regarding the type of work you were performing to any outside individual?

Mr. MANFRED. No, I was never asked to do so. Might I make a statement?

Mr. RUSSELL. Yes.

Mr. MANFRED. It is my impression that the committee is interested in espionage—

Mr. RUSSELL. We are also interested in communism, fascism, and certain other isms.

Mr. MANFRED. In this particular thing, I would like to state clearly that I have never in my life known personally of any espionage or any intention of espionage and if I had ever known of it, I would certainly have reported it.

Mr. RUSSELL. Are you still of that frame of mind today?

Mr. MANFRED. Absolutely.

Mr. RUSSELL. While in Chicago, did you ever have a mailing address at International House?

Mr. MANFRED. Yes, I was at International House in Chicago for about a year.

Mr. RUSSELL. Do you recall the dates?

Mr. MANFRED. It must have been the year before I left Chicago—that would probably make it about during 1945.

Mr. RUSSELL. While at the University of Chicago, did you ever become acquainted with Clarence Hiskey?

Mr. MANFRED. No.

Some information concerning other employment which I have had has not been included in the record, do you want me to supply it?

Mr. RUSSELL. We would like to have your complete employment record—suppose you tell us what was omitted.

Mr. MANFRED. When I left the radiation laboratory in Berkeley, I went to the University of Wyoming as instructor in physics, teaching physics in the Army program for a period of six months. When I left the metallurgical laboratory in Chicago, I was a teaching assistant at the University of Chicago for about 3 months, then worked about 2 weeks for some company, I think it was known as the Ace Manufacturing Corp., and then about 2 or 3 months for the National Acoustics Products Co. in Chicago, and I have worked for 1 year in the College of Mechanical Arts in Mayaguez and for 2 years at the University of Puerto Rico as an assistant professor.

Mr. RUSSELL. Does that complete the record?

Mr. MANFRED. I believe so.



Mr. RUSSELL. The record should show that Mr. Manfred appeared in response to a subpoena served on him on Thursday, August 18, 1949, in Berkeley, Calif.

I have no further questions.

(Whereupon this statement in question and answer form was sworn to as being accurate before a notary public, which affidavit follows, and the meeting was adjourned.)

I, Ken Max Manfred, 2019 McGee, Berkeley, Calif., do solemnly affirm before the undersigned notary public that the testimony attached to this document is, to the best of my knowledge and belief, an exact copy of a statement taken from me in question and answer form by representatives of the Committee on Un-American Activities on Wednesday, September 14, 1949.

KEN M. MANFRED.

TRUMAN WARD, *Notary Public*.

Commission expires January 14, 1951, District of Columbia.

# HEARINGS REGARDING COMMUNIST INFILTRATION OF RADIATION LABORATORY AND ATOMIC-BOMB PROJECT AT THE UNIVERSITY OF CALIFORNIA, BERKELEY, CALIF., VOLUME II (IDENTIFICATION OF SCIENTIST X)

TUESDAY, SEPTEMBER 27, 1949

UNITED STATES HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE COMMITTEE  
ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

## PUBLIC SESSION

The subcommittee met, pursuant to call, at 10:30 a. m. in room 226, Old House Office Building, Hon. Burr P. Harrison presiding.

Committee members present: Representatives Burr P. Harrison (presiding), Morgan M. Moulder (arriving at point hereinafter indicated), Francis Case, and Harold H. Velde.

Staff members present: Frank S. Tavenner, Jr., counsel; Louis J. Russell, senior investigator; Donald T. Appell and William A. Wheeler, investigators; Benjamin Mandel, director of research; and A. S. Poore, editor.

Mr. HARRISON. Let the record show the hearing this morning is conducted by a subcommittee appointed by the chairman, consisting of Mr. Moulder, Mr. Nixon, Mr. Case, Mr. Velde, and Mr. Harrison, a quorum of which is present, consisting of Mr. Case, Mr. Velde, and Mr. Harrison.

Mr. TAVENNER. Mr. Fox.

Mr. HARRISON. Do you solemnly swear that, in the testimony you are about to give before this subcommittee, you will speak the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Fox (Irving David). I do.

Mr. TAVENNER. Mr. Chairman, the hearing this morning involves the committee's investigation of the Communist cell which existed at the radiation laboratory at the University of California. In view of the fact that the Soviet Government is reported to have recently exploded an atomic charge of some kind, it appears that the hearings involving the Communist cell at the radiation laboratory of the University of California become of extreme importance.

The witness this morning is one of those persons who was reported to the committee as having been a member of the Communist cell which existed at the radiation laboratory. Thus far, none of the scientists interrogated by the committee who performed atomic work at the radiation laboratory has cooperated with this committee. It is my hope that the witness this morning will assume a different atti-

tude from that expressed by the other witnesses in our investigation of the Communist cell at the radiation laboratory.

**TESTIMONY OF IRVING DAVID FOX (ACCOMPANIED BY HIS COUNSEL, CLIFFORD J. DURR)**

Mr. TAVENNER. What is your name?

Mr. Fox. Irving David Fox.

Mr. TAVENNER. Are you represented here by counsel?

Mr. Fox. I am, by Mr. Durr.

Mr. TAVENNER. You were subpoenaed to appear before the committee on September 14, I believe, and the matter was continued until today?

Mr. Fox. Yes; that is right.

Mr. HARRISON. I wish counsel would identify himself for the record.

Mr. DURR. Clifford J. Durr, 1625 K Street NW., Washington, D. C.

Mr. TAVENNER. When and where were you born?

Mr. Fox. I was born September 8, 1920, in Brooklyn, N. Y.

Mr. TAVENNER. What is your father's name?

Mr. Fox. Jacob S. Fox.

Mr. TAVENNER. Were your parents born in this country?

Mr. Fox. They were not.

Mr. TAVENNER. Where were they born?

Mr. Fox. They were born in Russia.

Mr. TAVENNER. Where in Russia?

Mr. Fox. I don't know.

Mr. TAVENNER. Will you furnish the committee with a résumé of your educational background?

Mr. Fox. Yes. After graduating from high school in Brooklyn, I attended the Los Angeles Junior College from 1936 to 1938. I attended the University of California at Berkeley from 1938 to 1940 and for one semester in 1942, at which time I received a bachelor's degree, and I went back to the university in 1946, and I am still there.

Mr. TAVENNER. Will you furnish the committee a résumé of your employment background?

Mr. Fox. I had a number of odd jobs while I was at the university, such things as working in the university library and working in restaurants. Do you want those in detail?

Mr. TAVENNER. No, not while you were in attendance at school. Any outside positions that you held while you were at the university, you may enumerate.

Mr. Fox. In 1940, I worked for the Cannery Workers Union for a few months, and then got a job in a fish cannery, and then several other odd jobs which I don't remember at the present time, and finally I worked in Alaska for the Siems Drake Pudget Sound Co.

Mr. TAVENNER. When was that?

Mr. Fox. That was the last half of 1941. At that time, I returned to the university to get my degree. When I graduated in 1942, I went to work at the University of California's radiation laboratory, and I worked there until the spring of 1945.

Mr. TAVENNER. What time did you begin work at the radiation laboratory?

Mr. Fox. In May 1942. I was then inducted into the Navy, and when I came back I was reemployed at the radiation laboratory for possibly 3 months during the summer of 1946.



Mr. TAVENNER. When were you inducted into the Navy?

Mr. Fox. That was during the summer of 1945.

Mr. TAVENNER. Did you obtain a doctor's degree at the University of California?

Mr. Fox. I have not yet obtained it. I think I left out one thing. I am now teaching assistant at the University of California, although I am primarily a student.

Mr. VELDE. What subjects do you teach?

Mr. Fox. Physics.

Mr. VELDE. Nuclear physics?

Mr. Fox. No; elementary physics.

Mr. TAVENNER. Mr. Fox, the committee has received definite information that a Communist cell existed at the radiation laboratory at the University of California, not only during the period it was performing work on the atomic bomb but also before that period. Were you a member of the Communist cell at the radiation laboratory?

Mr. Fox. I refuse to answer that question on the grounds that it might tend to incriminate me.

Mr. TAVENNER. Have you ever been a member of the Young Communist League?

Mr. Fox. I refuse to answer the question on the same grounds.

Mr. TAVENNER. Have you been a member at any time of the Communist Political Association?

Mr. Fox. I refuse to answer that question, too, on those grounds.

Mr. TAVENNER. Have you ever been a member of the Communist Party of the United States?

Mr. Fox. I refuse to answer that question on the same grounds.

Mr. TAVENNER. Were you ever a member of the organization known as the American Student Union?

Mr. Fox. I refuse to answer that question on the same ground.

Mr. HARRISON. What, Mr. Witness, is the American Student Union?

Mr. Fox. May I consult with my attorney?

Mr. TAVENNER. Yes.

(The witness conferred with counsel.)

Mr. Fox. I refuse to answer that question on the same ground.

Mr. TAVENNER. Did I understand you to say that you attended the Los Angeles City College?

Mr. Fox. Yes.

Mr. TAVENNER. When was that?

Mr. Fox. From the fall of 1936 until the spring of 1938.

Mr. TAVENNER. While a student at that college, were you placed on probation for the distribution of radical literature on the campus?

Mr. Fox. I refuse to answer that question on the same ground.

Mr. HARRISON. Were you placed on probation?

(The witness conferred with counsel.)

Mr. Fox. I was placed on probation at the time for "littering the campus," I believe the charges were, I am not sure. There was some question as to the dividing line, as to where the campus began and ended, and I was not certain of that location, and was apparently on the wrong side of the line.

Mr. HARRISON. You mean you circulated literature on the campus, or off the campus, as it developed?

Mr. Fox. Apparently on the campus.

Mr. HARRISON. And there was some rule of the college covering that?

Mr. Fox. Yes.

Mr. HARRISON. Will you summarize what the rule was?

Mr. Fox. I am not sure about that. I imagine there was some regulation. I am quite sure now, I recall, there was some regulation about the unauthorized distribution of any sort of material on the campus.

Mr. HARRISON. In other words, then, you were placed on probation for circulating printed matter, and the nature of the printed matter had nothing to do with it; is that right?

Mr. Fox. I am not sure about that. I believe that is so, to the best of my recollection. That was about 13 years ago.

Mr. HARRISON. How could that involve you in a criminal prosecution, the ground on which you refused to answer the question?

(The witness conferred with counsel.)

Mr. Fox. Well, I am answering the question now, and I don't even recall what the nature of the material was.

Mr. HARRISON. All right, Mr. Counsel [Counsel for the Committee.]

Mr. VELDE. I would like to ask a question.

Mr. HARRISON. Mr. Velde.

Mr. VELDE. Where did you obtain the material?

Mr. Fox. I don't remember that either.

Mr. VELDE. When was this?

Mr. Fox. 1936, 1937, or 1938.

Mr. VELDE. Did you do it on more than one occasion prior to your being placed on probation?

Mr. Fox. I don't think so. I don't remember, though.

Mr. VELDE. What did the pamphlets look like; do you remember that?

Mr. Fox. No. As a matter of fact, I did not remember the incident at all until you recalled it to me.

Mr. VELDE. A matter as important as being placed on probation when you were a student at college, you would remember the facts and circumstances surrounding it; wouldn't you?

Mr. Fox. I don't think "probation" is the right word. I think a notation was placed on my record and was supposed to be removed after one semester. The authorities forgot to remove the notation, and I had trouble getting the records from the college when I went to attend the University of California.

Mr. VELDE. You understood, if you distributed further literature, you were subject to being expelled by the college after this mark was made on your record?

Mr. Fox. I don't recall that. I was bawled out by the dean or man in charge of this particular thing.

Mr. VELDE. You remember that occasion of being bawled out by the dean?

Mr. Fox. Yes.

Mr. VELDE. Who was present when you were talking to the dean?

Mr. Fox. I don't know.

Mr. VELDE. Do you remember the dean's name?

Mr. Fox. No.

Mr. VELDE. Do you remember what he said regarding it?

Mr. Fox. About all I remember of the incident is what I discussed with you here; that I was told a notation would be placed in the record

and that it would be removed after the semester if there was no further complaint. Beyond that, I don't recall the incident.

Mr. VELDE. Do you remember how many pieces of literature you distributed?

Mr. FOX. No.

Mr. VELDE. Approximately?

Mr. FOX. No.

Mr. VELDE. Have you any idea as to the number?

Mr. FOX. More than 10; more than 20, perhaps; I don't know.

Mr. VELDE. Less than a hundred?

Mr. FOX. Probably, but I can't say.

Mr. VELDE. Would you just give them to any student who happened to be walking on the campus?

Mr. FOX. Yes.

Mr. VELDE. You have no idea as to the contents of the material you were handing out?

Mr. FOX. No.

Mr. VELDE. And you have no idea where you got it?

Mr. FOX. No.

Mr. VELDE. That is all.

Mr. HARRISON. Your objection was because the notation was not removed; you took no objection to the facts stated in the notation?

Mr. FOX. Will you repeat that, please?

Mr. HARRISON. In other words, the university should have removed the notation at the end of the semester?

Mr. FOX. Yes.

Mr. HARRISON. And they failed to do so?

Mr. FOX. Yes.

Mr. HARRISON. Your complaint was because of the failure to remove the notation and not what was said in the notation?

Mr. FOX. I understand the question. I don't know what was in the notation. If the notation was as I have stated, then that is correct.

Mr. HARRISON. You knew what was in it at the time, didn't you?

Mr. FOX. I didn't see it.

Mr. TAVENNER. Were you accustomed to distributing literature on the campus?

Mr. FOX. Where?

Mr. TAVENNER. At the same school, Los Angeles City College.

Mr. FOX. It was not a usual thing.

Mr. TAVENNER. Had you done it prior to that time?

Mr. FOX. On campus limits?

Mr. TAVENNER. Yes.

Mr. FOX. I had never done it before or since.

Mr. TAVENNER. Had you been accustomed to distributing literature in the community, and not on the campus?

(The witness conferred with counsel.)

Mr. FOX. I may have been. I don't remember all the incidents that far back.

Mr. TAVENNER. You were more careful after this not to distribute any on the campus; is that right?

Mr. FOX. I would rather not answer it that way. I obeyed the regulations after that.

Mr. TAVENNER. But did you continue to distribute pamphlets or literature, though not on the campus?



Mr. Fox. After that date? I don't remember.

Mr. TAVENNER. Are you acquainted with Bernadette Doyle?

Mr. Fox. I refuse to answer the question on the previously stated grounds.

Mr. TAVENNER. Do you recall on one occasion, in a conversation with an organizer of the Communist Party in Alameda County, Calif., that you suggested that the Communist Party organizer discuss the question of cooperation with a secret branch of the Communist Party?

Mr. Fox. That I suggested?

Mr. TAVENNER. Yes.

Mr. Fox. I don't recall anything like that.

Mr. TAVENNER. Do you recall a conversation about a secret branch of the Communist Party which you had with an organizer of the Communist Party?

Mr. Fox. I refuse to answer that question on the same grounds.

Mr. TAVENNER. Was there a secret branch of the Communist Party in Alameda County, to your knowledge?

Mr. Fox. I refuse to answer the question on the same grounds.

Mr. TAVENNER. Do you know whether Bernadette Doyle at that time was organizational director of the Communist Party in Alameda County?

(The witness conferred with counsel.)

Mr. Fox. I don't know that.

Mr. HARRISON. You do not know?

Mr. Fox. I do not know.

Mr. TAVENNER. Will you state to the committee whether your wife received instructions to become a member of the secret branch of the Communist Party, due to the fact it was thought it would be unfavorable for her to be connected with the open Communist Party because of your position at the radiation laboratory?

Mr. Fox. I would rather not discuss these questions concerning my wife, or anything having to do with our relationship.

(Representative Moulder enters.)

Mr. HARRISON. Do you refuse to answer on that ground?

(The witness conferred with counsel.)

Mr. Fox. I understand that I can refuse to answer on the grounds that this is a confidential relationship, and I also add the grounds I stated previously.

Mr. TAVENNER. I didn't ask you about confidential relations between you and your wife. I asked if you did not make that statement to a Communist Party member.

Mr. Fox. If I made that statement?

Mr. TAVENNER. Yes.

Mr. Fox. I refuse to answer on the grounds of possible self-incrimination.

Mr. HARRISON. Let the record show that Judge Moulder is now present.

Mr. TAVENNER. Are you acquainted with Rose Segure, who is a Communist Party functionary on the west coast?

Mr. Fox. I refuse to answer the question on the grounds of self-incrimination. I will answer the first part of the question about Rose Segure. I know her.

Mr. TAVENNER. You state that you know her, but you are making no reference to her Communist Party affiliation?

Mr. Fox. Yes. I know Rose Segure as a member or official of a union of which I was a member.

Mr. TAVENNER. Is she a member of the Communist Party?

Mr. Fox. I don't know that at all.

Mr. TAVENNER. Was she at any time a member of the Communist Party, to your knowledge?

Mr. Fox. Not to my knowledge.

Mr. TAVENNER. Are you acquainted with Barney Young?

Mr. Fox. Yes.

Mr. TAVENNER. Is he known to you as a member of the Communist Party?

Mr. Fox. No.

Mr. TAVENNER. Are you acquainted with David Adelson?

Mr. Fox. I believe so; yes.

Mr. TAVENNER. Is he known to you as a member of the Communist Party?

Mr. Fox. I refuse to answer the question on the same grounds.

Mr. TAVENNER. Are you acquainted with John Hite Grove?

Mr. Fox. Yes.

Mr. TAVENNER. And his wife, Jean Grove?

Mr. Fox. No.

Mr. TAVENNER. Is John Hite Grove known to you as a member of the Communist Party?

Mr. Fox. I refuse to answer on the same grounds.

(The witness conferred with counsel.)

Mr. TAVENNER. Was he employed at the radiation laboratory?

Mr. Fox. Yes.

Mr. TAVENNER. During the entire period that you were employed there, or not?

Mr. Fox. I don't know. It was during most of the period, let us say; at least that.

Mr. TAVENNER. Are you acquainted with Joseph Weinberg?

Mr. Fox. Yes.

Mr. TAVENNER. Was he likewise employed at the radiation laboratory while you were there?

Mr. Fox. I don't know what his connection was. I think he was employed by the physics department during all that period.

Mr. TAVENNER. Was he known to you as a member of the Communist Party?

Mr. Fox. I refuse to answer the question on the same grounds.

Mr. TAVENNER. Did he attend any Communist Party meetings with you?

Mr. Fox. I refuse to answer that question on the same grounds.

Mr. TAVENNER. Are you acquainted with Steve Nelson?

Mr. Fox. I refuse to answer that question on the same grounds.

Mr. TAVENNER. Did you ever attend a meeting in the apartment of Joseph Weinberg in Berkeley, Calif., in August or any other month in 1943 which was attended by Steve Nelson and Bernadette Doyle, or either of them?

Mr. Fox. I refuse to answer that question on the same grounds.

Mr. TAVENNER. Did you know Muriel Weinberg, the wife of Joseph Weinberg?

Mr. Fox. Yes.

Mr. TAVENNER. Was she a member of the Communist Party, to your knowledge?

Mr. FOX. I refuse to answer that question on the same grounds.

Mr. TAVENNER. Are you acquainted with Giovanni Rossi Lomanitz?

Mr. FOX. Yes.

Mr. TAVENNER. Is he known to you as a member of the Communist Party?

Mr. FOX. I refuse to answer that question on the same grounds.

Mr. TAVENNER. Did you ever attend a meeting in the home of Weinberg at which Lomanitz was present?

Mr. FOX. I refuse to answer that question on the same grounds.

Mr. TAVENNER. Are you acquainted with David Bohm?

Mr. FOX. Yes.

Mr. TAVENNER. Was he known to you as a member of the Communist Party?

Mr. FOX. I refuse to answer that question on the same ground.

Mr. TAVENNER. Was your father a member of the Communist Party?

Mr. FOX. I wonder if that question has any bearing on the case. I might state that my views are independent, that I come to my own conclusions independently of my father, and if it has no other bearing on the case than to associate me with him because of the fact that I am his son, I would prefer not to answer that.

Mr. HARRISON. The question is whether or not your father is a member of the Communist Party.

(The witness conferred with counsel.)

Mr. FOX. In that case I refuse to answer the question on the same ground.

Mr. TAVENNER. Do you subscribe to the People's World?

Mr. FOX. No.

Mr. TAVENNER. Have you ever subscribed to it?

(The witness conferred with counsel.)

Mr. FOX. I may have. I believe that I did for a period of a few months. I am not sure of that.

Mr. TAVENNER. During what period of time?

Mr. FOX. In the early forties, perhaps.

Mr. TAVENNER. Were you also a subscriber to the Daily Worker?

Mr. FOX. No.

Mr. TAVENNER. Did you receive the Daily Worker from any source regularly?

Mr. FOX. Certainly not regularly; possibly not at all. I remember having seen the paper; that is about all. No; I have seen the paper on a number of occasions.

Mr. TAVENNER. Are you acquainted with Max Bernard Friedman?

Mr. FOX. Yes.

Mr. TAVENNER. Who is now known as Ken Max Manfred?

Mr. FOX. Yes.

Mr. TAVENNER. You knew the fact he had changed his name in 1945?

Mr. FOX. I don't know when he changed his name. I learned of it only recently.

Mr. TAVENNER. Did you ever attend a Communist Party meeting with him?



Mr. Fox. I refuse to answer the question on the same ground.

Mr. TAVENNER. Is he known to you as a member of the Communist Party?

Mr. Fox. I refuse to answer that question on the same grounds.

Mr. TAVENNER. I have no further questions.

Mr. HARRISON. Mr. Moulder?

Mr. MOULDER. No questions.

Mr. HARRISON. Mr. Case?

Mr. CASE. When did you say you were born?

Mr. Fox. September 8, 1920.

Mr. CASE. 1920?

Mr. Fox. Yes.

Mr. CASE. And you are married?

Mr. Fox. Yes.

Mr. CASE. Do you have any children?

Mr. Fox. Yes.

Mr. CASE. How many?

Mr. Fox. One.

Mr. CASE. How old?

Mr. Fox. Six and a half.

Mr. CASE. A boy or a girl?

Mr. Fox. Girl.

Mr. CASE. When did you get your bachelor's degree?

Mr. Fox. In 1942, May of 1942, or June.

Mr. CASE. What was your major?

Mr. Fox. Mathematics.

Mr. CASE. Have you a master's degree?

Mr. Fox. No.

Mr. CASE. During your attendance at the Los Angeles Junior College, did you engage in what is known as extracurricular activities? Did you take part in any athletics?

Mr. Fox. No. Well, not in any organized athletic teams. I, of course, took physical education.

Mr. CASE. But you did not play baseball or football competitively?

Mr. Fox. No.

Mr. CASE. Did you take part in dramatics?

Mr. Fox. I think I may have, but I don't remember whether it was an official campus group or not.

Mr. CASE. Did you at the University of California, later?

Mr. Fox. No.

Mr. CASE. Do you remember, when you took part in dramatics, the plays you played in?

Mr. Fox. That was in 1936. I don't recall the details of that. I don't remember.

Mr. CASE. Did you work on the college paper?

Mr. Fox. No. No; I haven't.

Mr. CASE. Did you ever write for publication?

Mr. Fox. I don't recall. I don't remember.

Mr. CASE. What interested you in literature to the extent that you were distributing literature on the campus?

Mr. Fox. I think the word "literature" was used in a slightly different sense than it generally is. I think this was not literature in the ordinary sense of the word. I think it was some pamphlets.

Mr. CASE. Pamphlets?

Mr. FOX. Or something like that.

Mr. CASE. Pamphlets you helped to prepare, or pamphlets that you obtained?

Mr. FOX. I don't recall what they were.

Mr. CASE. Were you required to distribute them?

Mr. FOX. No.

Mr. CASE. You did it of your own free will?

Mr. FOX. Probably.

(The witness conferred with counsel.)

Mr. CASE. You stated you were inducted in the Navy in 1945; is that correct?

Mr. FOX. Yes.

Mr. CASE. And you were then 25 years old?

Mr. FOX. Yes.

Mr. CASE. Did you ask for deferment from induction prior to that time?

Mr. FOX. Deferment was requested by the radiation laboratory up until that date. When I received notice of the impending termination, I went to my draft board and they said they would give me a lot of time to find a new job. Before I was terminated I looked around, and it seemed the only positions that were open were not in my line of training, so I asked for immediate induction, and in July, I imagine, possibly in June or July, the draft board had a delay of some sort and I was not inducted for about a month.

Mr. CASE. How long did you serve?

Mr. FOX. For 9 months.

Mr. CASE. And how did you come to be discharged at the end of 9 months?

Mr. FOX. How?

Mr. CASE. Yes. Were you discharged for the convenience of the Government, or at your request?

Mr. FOX. Neither. I don't know what you mean by "convenience of the Government." It was a normal discharge in that the war was over and the point system was in operation. I was considerably older than most of those I was serving with, and I got discharged sooner.

Mr. CASE. You were married and had a child?

Mr. FOX. Yes.

(The witness conferred with counsel.)

Mr. FOX. I don't know if your question referred to whether it was or was not an honorable discharge. It was.

Mr. CASE. No. So you applied for discharge at the end of 9 months?

Mr. FOX. No; there was no application made. I was informed I would be discharged on the point system.

Mr. CASE. When did your parents come to this country?

Mr. FOX. I don't know. Before the First World War. That is about all I know.

Mr. CASE. Do you know how they happened to come to this country?

Mr. FOX. How? By boat. I am sorry; I misunderstood the question. Probably because they anticipated better educational opportunities in this country, which were fulfilled after they came here.

Mr. CASE. Do you know how old they were when they came here?

Mr. FOX. No. Possibly in their teens, late teens.

Mr. CASE. Were they married when they came here?

Mr. Fox. No.

Mr. CASE. How do you happen to be in your present position as teaching assistant at the University of California?

Mr. Fox. I applied for the job and there was a selection made and I was appointed.

Mr. CASE. Is it a part-time position?

Mr. Fox. Yes; it is part time, and also secondary to my student position. I mean, it is not supposed to interfere with my studies.

Mr. CASE. How did you come to be employed by the radiation laboratory? Did you apply for that position?

Mr. Fox. Yes.

Mr. CASE. Do you know whether or not you went through any particular surveillance examination at that time?

Mr. Fox. I imagine there was the usual investigation made. I understood that all applicants, or all employees, at least, were investigated by someone.

Mr. CASE. And what was the reason for the termination of your employment when you left the radiation laboratory?

Mr. Fox. The staff was cut down considerably at the time, and my work was ended.

Mr. CASE. There were others let out at the same time?

Mr. Fox. Yes; within a period of 2 months, I would say, as different jobs were completed. There was a delay in some cases.

Mr. CASE. Were any of these individuals whom counsel has asked if you knew let out at the same time?

Mr. Fox. I don't know about the employment connections of all of them. I can't say. The ones I do know about were not terminated at that time. Mr. Lomanitz was terminated much earlier. I don't know about Mr. Friedman, or Manfred. I believe he was terminated earlier. I don't know about the connections of Mr. Bohm or Weinberg with the lab, in the sense that they may have been working officially for the physics department. Mr. Bohm continued working for the physics department at the time I was terminated.

Mr. CASE. But Lomanitz, Weinberg, and Friedman were all employed by the radiation laboratory at the same time you were?

Mr. Fox. I don't know about Weinberg. He probably was. I know he was employed by the physics department for sure. I don't know whether during part of the time he was employed by the radiation laboratory.

Mr. CASE. But you know he was employed by the physics department of the University of California?

Mr. Fox. Yes. There was a close connection between the two at one time.

Mr. CASE. Was the radiation laboratory connected with the physics department?

Mr. Fox. I don't know what the exact connection was. Men at the radiation laboratory teach in the physics department. There was a time the radiation laboratory was part of the physics department, but it grew to be larger and I don't know what the official connection is.

Mr. CASE. From whom did you receive your pay checks?

Mr. Fox. University of California.

Mr. CASE. The University of California operated the radiation laboratory under a contract?

Mr. Fox. Yes.



Mr. CASE. And did assign its employees to the radiation laboratory without any differentiation as to whether they would work there or in the physics department?

Mr. Fox. No. Occasionally the laboratory needed people who were employed by the university, or possibly employed by outside companies, and got permission from the security officers or someone to employ those people. How they were paid, I don't know. I presume a lot of people were under that set-up. I don't know.

Mr. CASE. Did you understand you were to be employed by the radiation laboratory, as such, or by the University of California?

Mr. Fox. By the University of California in the radiation laboratory. The radiation laboratory is not a separate organization. You might say I was employed by the radiation laboratory's personnel department, but they are not completely autonomous. The pay checks come from the University of California under the radiation laboratory accounts, something of that sort.

Mr. CASE. That is where you were employed from May 1942 until the spring of 1945?

Mr. Fox. Yes.

Mr. CASE. Three years?

Mr. Fox. Yes.

Mr. CASE. During that time you knew Lomanitz and Friedman at the radiation laboratory?

Mr. Fox. Yes.

Mr. CASE. And you knew Weinberg in the physics department?

Mr. Fox. Yes.

Mr. CASE. When counsel was asking you about these various persons, as to whether or not you knew if they were members of the Communist Party or of the Communist cell in the radiation laboratory, in several cases you said, "I do not know." Is that correct?

Mr. Fox. I think I did; yes.

Mr. CASE. And as to others you declined to answer on the ground of self-incrimination. Is that correct?

Mr. Fox. Yes.

Mr. CASE. Doesn't that imply to an average person that as to the ones you refused to answer on the ground of possible self-incrimination, that you do know?

(The witness conferred with counsel.)

Mr. Fox. I don't know what that implies. I didn't mean to imply anything other than the fact I refused to answer on those grounds.

Mr. CASE. But the others, where you did not know, you said you did not know?

Mr. Fox. That is correct.

Mr. CASE. And as to those that you do know, you declined to answer on the ground of self-incrimination?

Mr. Fox. I did not say I do know. You are drawing the implication.

Mr. CASE. I am not trying to draw an inference. There seems to be a plain inference that in some cases you did not know, and in others you knew and didn't want to answer on the ground of self-incrimination.

Mr. Fox. If I answered your question now it would be the equivalent to answering the previous questions, so I decline to answer.

Mr. CASE. That is all.

Mr. HARRISON. Mr. Velde.

Mr. VELDE. When did you first become acquainted with Dr. Joseph Weinberg?

Mr. Fox. I don't remember that. He was teaching at the university, and I think he was teaching assistant in a course I was taking many years back; I don't remember when.

Mr. VELDE. Can you approximate the date?

Mr. Fox. Between 1939 and 1941 or 1942.

Mr. VELDE. That is when you first became acquainted with him?

Mr. Fox. Yes. It was a casual acquaintance. I knew him as a teaching assistant.

Mr. VELDE. You were employed within the confines of the radiation laboratory itself?

Mr. Fox. Yes.

Mr. VELDE. All the time you worked there, were you working inside the radiation laboratory, on the physical grounds?

Mr. Fox. No. We had a room in the physics building for some relatively nonsecret work; however, it was still considered classified and was guarded, was locked.

Mr. VELDE. You were familiar with the fact it was secret work that you were doing?

Mr. Fox. Oh, yes. This was just for a short period, then they moved us into the main enclosure.

Mr. VELDE. Did you know what the research was being made for?

Mr. Fox. I would like to answer that question, but I would like to think it over. I imagine it is all right, so far as the security aspect is concerned.

Mr. VELDE. I think it is now.

Mr. Fox. It is just a matter of a moment's thought. Yes; I knew more or less what the work was.

Mr. VELDE. You knew the work was on atomic nuclear physics?

Mr. Fox. Yes.

Mr. VELDE. How many times would you estimate that you saw or visited with Dr. Weinberg?

Mr. Fox. That is hard to say.

Mr. VELDE. Was it just occasionally?

Mr. Fox. No. We, my wife and I, got to be friends of theirs, and we would go to dinner at their house sometimes or they to our house.

Mr. VELDE. You have been in the home of Dr. Weinberg, then?

Mr. Fox. Yes.

Mr. VELDE. Do you remember whether you were in his home in August 1943?

Mr. Fox. I don't remember.

Mr. VELDE. Do you remember any particular time that you were in Dr. Weinberg's home?

Mr. Fox. I remember a number of occasions.

Mr. VELDE. Would you mind briefly describing them? Were they all social, or did you have any business meetings?

Mr. Fox. I refuse to answer that question on the previously stated grounds.

Mr. VELDE. Have Steve Nelson and Bernadette Doyle ever been in the home of Dr. Weinberg at the same time you were there?

Mr. Fox. I refuse to answer that question on the same grounds.

Mr. VELDE. You are still acquainted with Dr. Weinberg, aren't you?

Mr. FOX. I haven't seen him for several years.

Mr. VELDE. Have you ever had any correspondence with him?

Mr. FOX. No, I haven't.

Mr. VELDE. Or any telephone calls?

Mr. FOX. You mean since he left California?

Mr. VELDE. Yes.

Mr. FOX. No.

Mr. VELDE. That is all.

Mr. CASE. One more question.

Mr. HARRISON. Mr. Case.

Mr. CASE. What was the nature of the instructions they gave you regarding the secrecy of the information that you might have access to at the time you worked in the radiation laboratory?

Mr. FOX. At the beginning I was told that the work was—let me stop and think about this. There was a period during which the work was not conducted under the Manhattan project. I don't remember whether that was during the secret period or not. I believe you gentlemen have more information on that than I do.

Mr. CASE. When was the so-called secret period?

Mr. FOX. I don't know. It was at least after the summer of 1942. In any case, I was informed that the work was secret; that I would be told only what I had to know for my work, and that only gradually.

Mr. CASE. Only what?

Mr. FOX. Only gradually, as time went on; that I was not to pass the information to any unauthorized person, and to be very careful in giving it to authorized persons, not to give any more information than necessary.

I was told—I may have been told that it was work for the Government in connection with—I understood at the time there was some kind of competition going on with Germany; that we were in a race with them and there would be possible espionage. During the next 3 years the usual security talks were given to us, constant warnings that it was awfully hard to keep a thing like that secret and we had to be on our guard constantly.

Mr. CASE. How were authorized persons identified to you?

Mr. FOX. If I wasn't sure, I applied to the security officer. Persons working under me were obviously authorized.

Mr. CASE. Persons working in the radiation laboratory were obviously authorized?

Mr. FOX. No.

Mr. CASE. It was broken down beyond that?

Mr. FOX. Yes. It was a much more compact organization, and a lot of people knew quite a few things. It was no real problem to find out who was authorized.

Mr. CASE. Was any instruction given to you that you must be careful about talking to other people at the university not engaged in the radiation laboratory?

Mr. FOX. Yes.

Mr. CASE. So you discussed the matters only with persons known to you to be authorized, within the confines of the radiation laboratory?

Mr. FOX. Discussed the work?



Mr. CASE. Yes.

Mr. Fox. Yes.

Mr. CASE. You don't know whether Dr. Weinberg was a part of the radiation laboratory or not?

Mr. Fox. I only meant so far as the official connection was concerned. I don't remember having discussed the matter with Dr. Weinberg. I may have. I know that he was authorized to know a certain amount of the work that went on there.

Mr. CASE. You know he was authorized to know a certain amount of the work?

Mr. Fox. Yes.

Mr. CASE. Independently of the fact that to your knowledge he was not employed as a part of the radiation laboratory itself?

Mr. Fox. That is a technicality. That is something you can check on. When I say not employed I am talking about what list in the University of California his pay check came from.

Mr. CASE. You separated him from Lomanitz and Friedman.

Mr. Fox. Let us say he was working for the radiation laboratory. What the official pay-roll designation was, I don't know. We were not to distinguish on that basis, but on the basis of whether or not he was authorized.

Mr. CASE. Was Dr. Weinberg authorized?

Mr. Fox. Yes; as far as I remember now, he was authorized to receive certain information.

Mr. CASE. In other words, you felt free to discuss your work with Dr. Weinberg?

Mr. Fox. I wouldn't say I felt free to discuss it with him. We also had various warnings to the effect this thing was not to be discussed unnecessarily even with authorized people. If he would say, "Where are you going?" I might have said, "Going to the lab," which I would not have told other people. I am not trying to dodge the question. Actually, the summary of the whole thing is that we were not authorized to talk to anybody outside, and were told not to talk to anyone inside too much.

Mr. CASE. But you got to know Dr. Weinberg rather closely through your association with him in a friendly way?

Mr. Fox. Yes. Since the question of security has been raised, I might say that I have never known of any case of espionage that took place in the laboratory. There was only one case where I suspected there might be espionage, and I reported that to the security officer. If I had known of other cases I would have reported them and would not have approved or condoned it.

Mr. HARRISON. Yet you would not even answer our question of whether you know or suspect anybody of espionage in the laboratory.

(The witness conferred with counsel.)

Mr. CASE. Do you recall any discussion of the work in the radiation laboratory at any public gathering during the time you were employed there?

Mr. Fox. Discussion of the nature of the work?

Mr. CASE. Yes.

Mr. Fox. No.

Mr. CASE. Or at any social gathering?

Mr. Fox. I don't recall any.

Mr. CASE. For all that I know about this, I am not nearly so interested in knowing of your activities as related in this field we are discussing here, but I would like to know how far Dr. Weinberg entered into the picture. Since you have differentiated between his employment and that of others, how did you know he was entitled to information if he was not employed at the radiation laboratory as the others were?

Mr. Fox. I don't know, but I know I knew at the time. I don't recall how I was informed, but I knew at the time. I may have seen him, for example, at a meeting that was open only to authorized persons, a meeting at the radiation laboratory.

Mr. CASE. You regarded him as a person authorized to receive information about nuclear physics?

Mr. Fox. I regarded him as a person working at the radiation laboratory who would be authorized to receive such information if I ever had occasion to give it to him. I don't recall any such occasion. My work was not directly connected with his.

Mr. CASE. You felt no restriction in talking to him about these subjects?

Mr. Fox. I felt a restriction, yes. I knew I had to discuss it only in general terms unless it was a problem with which we were both concerned or that I was quite clear he knew about at the time.

(The witness conferred with counsel.)

Mr. CASE. And as to Lomanitz and Friedman, how did you know they were authorized?

Mr. Fox. None of these people had any special restrictions, other than I did. Every person in the lab was under the same restrictions.

Mr. CASE. That is all, Mr. Chairman.

Mr. HARRISON. Mr. Moulder.

Mr. MOULDER. You stated in your testimony that you reported one case of espionage, or suspected espionage?

Mr. Fox. I want to clarify that. I said "suspected." A young man whom I knew rather vaguely around the physics department was employed by my group. I believe I may even have recommended him; I don't know. In a technician's capacity he had to do some technical work requiring a slight knowledge of physics. I recommended him purely from the point of view of his ability. I expected the security officer to investigate him.

He started to ask too many questions, more questions than he should have, and I put it down to curiosity and warned him that he should not ask any more questions. He persisted in that, and I warned all the people in our group not to say anything to him and to report it to me if it happened again. After several attempts to obtain information he was not entitled to, I reported it to the security officer.

Mr. CASE. Was he an American citizen?

Mr. Fox. I presume so. I don't know.

Mr. CASE. While you were working there, were there any citizens or nationals of foreign countries who had access to this information?

Mr. Fox. I have no idea. You would have to check with the laboratory on that.

Mr. TAVENNER. Did you report to any responsible authority that Steve Nelson was in the community?

Mr. Fox. Did I report it?

Mr. TAVENNER. Yes. You have stated to the committee you would have reported anything in the nature of espionage and did report one case of suspected espionage.

Mr. FOX. I reported the only case of espionage that I suspected, although it seemed highly unlikely that it was more than a boyish curiosity.

Mr. TAVENNER. You have declined to testify regarding Steve Nelson, so I am going to ask you specifically, did you report to any responsible authority that Steve Nelson was in Alameda County?

Mr. FOX. I did not.

Mr. TAVENNER. Did you know that Steve Nelson was in Alameda County?

Mr. FOX. I refuse to answer that question on the same grounds.

Mr. TAVENNER. Do you know Marcel Scherer?

Mr. FOX. Yes. He was another official of the union of which I was a member.

Mr. TAVENNER. What was the name of the union?

Mr. FOX. Federation of Architects, Engineers, Chemists, and Technicians.

Mr. TAVENNER. Did he live in California at that time?

Mr. FOX. Yes.

Mr. TAVENNER. What was the date?

Mr. FOX. I don't know.

Mr. TAVENNER. The year?

Mr. FOX. I met him in 1942 or 1943. He was there for a very short time and left. I had very little contact with him.

Mr. TAVENNER. How long do you think he was there?

Mr. FOX. I don't know about his whole period. He was there for only a short time after I met him. It may have been as much as 5 months, but I imagine it is more like a month. I met him very infrequently.

Mr. TAVENNER. In what work was he engaged at that time?

Mr. FOX. He was working for this union.

Mr. TAVENNER. In what capacity?

Mr. FOX. I don't know what his official title was.

Mr. TAVENNER. What was the nature of his work?

Mr. FOX. Possibly organizational work for the union.

Mr. TAVENNER. Do you know where he went on leaving California.

Mr. FOX. No.

Mr. TAVENNER. Was he known to you as a member of the Communist Party?

Mr. FOX. I refuse to answer that question on the same grounds.

Mr. TAVENNER. Did you see him in company with any of the other members of your scientific group at radiation laboratory?

Mr. FOX. Of my group?

Mr. TAVENNER. Of the group. I will change it to "the" group as to which you have testified, namely, Lomanitz, Bohm, or Weinberg?

Mr. FOX. I don't recall.

Mr. TAVENNER. Did you ever talk to Scherer in the presence of Lomanitz?

Mr. FOX. I don't remember. I may have.

Mr. TAVENNER. What would have been Lomanitz's business with Scherer?



Mr. Fox. He was presumably interested in the union. Let me change that "presumably"; it gives the wrong impression. He was interested in the union, as I was.

Mr. TAVENNER. Was Lomanitz an organizer of that union?

Mr. Fox. He was a member.

Mr. TAVENNER. Was he also an organizer?

Mr. Fox. Do you mean a paid official of the union?

Mr. TAVENNER. Did he work in organizing the union?

Mr. Fox. All the members worked in organizing the union.

Mr. TAVENNER. Did Dr. Weinberg meet Scherer?

Mr. Fox. I don't know.

Mr. TAVENNER. Were you present at any time when Scherer and Weinberg were present?

Mr. Fox. I doubt it very strongly, but I don't remember.

Mr. TAVENNER. Did Bohm meet Scherer at any time in your presence?

Mr. Fox. I don't think so.

(Representative Velde leaves.)

Mr. HARRISON. Let the record show that Mr. Velde is no longer present.

Mr. TAVENNER. Tell me a little more about Scherer's activities in the union.

Mr. Fox. The union had locals in a number of industrial plants in the neighborhood. His work was connected with either the organization of those locals or the business generally of the locals. I don't know if he was an organizer or business agent or what. He was one of the officials. Some of us felt we would like to form a local or union at radiation laboratory, and we tried to get help from Mr. Scherer. He was much too busy to give us any help. He did meet with us occasionally, and that was the extent of the help he could give us. We discussed chiefly organizational problems; that is, problems that we met up with in trying to organize the local.

Mr. TAVENNER. Who were those who were interested in organizing the union at radiation laboratory and who talked to Scherer?

Mr. Fox. I don't remember all the names of the people. I was, of course. Mr. Lomanitz probably was. No; I forget you said "and talked to Scherer." I don't know.

Mr. TAVENNER. You stated you obtained the assistance of Mr. Scherer in organizing the union, and that he talked to you, and you used the word "we."

Mr. Fox. I know. I answered the first part of your question without realizing the last part was added. When I first became interested in this union, there were two or three people who helped start it whom I did not know very well. Some of them left the lab at the time, not at the time but shortly afterward. It is hard for me to remember who met with whom and on what occasion. I can tell you who were interested in organizing the union.

Mr. TAVENNER. Who were interested in organizing the union at radiation laboratory?

Mr. Fox. I was, and Mr. Lomanitz certainly was.

Mr. TAVENNER. Mr. Bohm?

Mr. Fox. I don't think so.

Mr. TAVENNER. Mr. Weinberg?

Mr. Fox. He may or may not have attended some of our meetings. I don't think he did, but if he did he certainly did not participate in the organizational activities. Are you asking me for a list of the members?

Mr. TAVENNER. No. That is enough. Was Marcel Scherer present at those meetings you referred to?

Mr. Fox. The meetings with Marcel Scherer, the first one or two, I recall, the only people present were people whose names I do not recall at this moment. They were not friends of mine, and I hardly knew them at the lab. Mr. Lomanitz may have been present at those meetings. I don't know. I didn't know him well at that time either.

Mr. TAVENNER. Were Mr. Bohm and Dr. Weinberg present with Mr. Scherer?

Mr. Fox. I doubt it strongly.

Mr. TAVENNER. Do you know Kenneth May?

Mr. Fox. I know the name. He is the son of Professor May?

Mr. TAVENNER. Yes.

Mr. Fox. I never met him.

Mr. TAVENNER. Do you know Paul Crouch?

Mr. Fox. I don't believe I do. Can you identify him any way?

Mr. TAVENNER. Yes. Paul Crouch was the organizer of the Communist Party in Alameda County prior to Steve Nelson's taking over the job.

(The witness conferred with counsel.)

Mr. Fox. I don't believe I ever met him.

Mr. TAVENNER. Do you know his wife, Sylvia Crouch?

Mr. Fox. I don't think so.

Mr. TAVENNER. Mr. Fox, it has been reported to the committee that you were a member of the Communist Party. Do you have any explanation you desire to make in regard to that statement I have just made to you?

Mr. Fox. I have none.

Mr. TAVENNER. No further questions.

Mr. HARRISON. Any further questions?

(No response.)

Mr. HARRISON. You may be excused.

(Witness excused.)

(Whereupon, another witness whose testimony would have no connection with that of the witness just excused was sworn in by the chairman and advised to return the following day. At this point, the meeting was adjourned at 12:10 p. m. on Tuesday, September 27, 1949, to reconvene at 10 a. m. on Wednesday, September 28, 1949.)

#### STATEMENT OF G. J. RATHMAN

AUGUST 19, 1949.

I have been interviewed regarding a surveillance I conducted along with Harold Zindle and James Murray, who were attached with me to the Manhattan Engineering District as special agents, Counter Intelligence Corps, in Berkeley, Calif.

On or about August 17, 1943, at approximately 8:45 p. m., Zindle, Murray, and myself arrived at an apartment house adjacent to the residence of the subject of this surveillance, Joseph W. Weinberg; a man identified to me as Steve Nelson; a woman identified to me as Bernadette Doyle; together with four or five additional persons whom I could not identify due to my point of observation, engaged in conversation. At approximately 9:45 p. m., Joseph Weinberg and the man

known to me as Steve Nelson appeared at the window of the second-story apartment of Joseph Weinberg, closing the window and lowering the shade. At approximately 10 p. m. on the night of this surveillance, Zindle, Murray, and the undersigned left the roof of the apartment house and proceeded to the street where Murray and the undersigned saw Steve Nelson and Bernadette Doyle walking west on Blake Street from the direction of the subject's residence.

I am certain if I could observe Steve Nelson personally today that I would be able to identify him as the person who was present in the second-story apartment of Joseph Weinberg on the night of the surveillance.

I have read the above statement, and to the best of my knowledge and belief this statement is true in every respect.

(S) G. J. RATHMAN.

> (In addition to the signed statement set forth above, the committee has obtained a statement from another individual who is familiar with the circumstances surrounding the meeting held in the apartment of Joseph W. Weinberg which was attended by Steve Nelson and others.)

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HEARINGS REGARDING COMMUNIST INFILTRATION  
OF RADIATION LABORATORY AND ATOMIC BOMB  
PROJECT AT THE UNIVERSITY OF CALIFORNIA,  
BERKELEY, CALIF. VOLUME 3

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HEARINGS

U.S. Congress House

BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES

HOUSE OF REPRESENTATIVES

EIGHTY-FIRST CONGRESS

SECOND SESSION

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DECEMBER 20, 21, and 22, 1950

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JAN 29 1951

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<sup>1</sup> Hon. Richard M. Nixon resigned from the committee November 30, 1950, to enter Senate.

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# HEARINGS REGARDING COMMUNIST INFILTRATION OF RADIATION LABORATORY AND ATOMIC BOMB PROJECT AT THE UNIVERSITY OF CALIFORNIA, BERKELEY, CALIF.—VOLUME 3

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WEDNESDAY, DECEMBER 20, 1950

UNITED STATES HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE  
COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

## EXECUTIVE SESSION

A subcommittee of the Committee on Un-American Activities met pursuant to call at 10:55 a. m. in room 226, Old House Office Building, Hon. Burr P. Harrison presiding.

Committee members present: Representatives Burr P. Harrison and Harold H. Velde.

Staff members present: Frank S. Tavenner, Jr., counsel; Louis J. Russell, senior investigator; Donald T. Appell, investigator; John W. Carrington, clerk; Benjamin Mandel, director of research; and A. S. Poore, editor.

Mr. HARRISON. This is a hearing conducted by a subcommittee appointed by the chairman, consisting of Mr. Velde and Mr. Harrison.

Do you solemnly swear that in the evidence you give before this subcommittee you will speak the truth, the whole truth, and nothing but the truth, so help you God?

Dr. HAWKINS. I do.

Mr. HARRISON. Proceed, Mr. Counsel.

## TESTIMONY OF DAVID HAWKINS, ACCOMPANIED BY COUNSEL, JOSEPH A. FANELLI

Mr. TAVENNER. You are Dr. David Hawkins?

Dr. HAWKINS. That is right.

Mr. TAVENNER. Are you represented by counsel?

Dr. HAWKINS. Yes; Mr. Fanelli.

Mr. TAVENNER. Will counsel please identify himself for the record, and give his address?

Mr. FANELLI. Joseph A. Fanelli. I am a member of the District of Columbia Bar, with offices at 729 Fifteenth Street NW., Washington, D. C.

Mr. TAVENNER. Dr. Hawkins, when and where were you born?

Dr. HAWKINS. I was born in El Paso, Tex., February 28, 1913.

Mr. TAVENNER. Will you briefly outline for the committee your educational background?

Dr. HAWKINS. From the beginning?

Mr. TAVENNER. Well, from the time you entered college.

Dr. HAWKINS. I was an undergraduate at Stanford University in Palo Alto, Calif. I got my B. A. degree there, and my M. A. degree there in 1936. I got my Ph. D. degree from the University of California in 1940.

Mr. TAVENNER. Will you state to the committee what your record of employment has been since you left college?

Dr. HAWKINS. I had been at the University of California 1 year or 2 years as teaching assistant before I got my Ph. D. degree. Then I was employed as temporary instructor at Stanford University in the academic year 1940-41.

Mr. TAVENNER. How long did you continue as an instructor?

Dr. HAWKINS. For 1 year at Stanford. Then I was employed the following year by the University of California. That is 1941-42 and 1942-43, and I left the University of California about the 1st of May 1943. On that occasion I was employed on war work at Los Alamos, N. Mex.

Mr. TAVENNER. And when did your employment begin at Los Alamos?

Dr. HAWKINS. On or very close to the 1st of May—perhaps the 3d or 5th, I don't recall exactly—1943.

Mr. TAVENNER. And it continued to what date?

Dr. HAWKINS. Until about August 1946. At that time I left Los Alamos, and from then on I have been back in academic work.

Mr. TAVENNER. Where?

Dr. HAWKINS. I came from Los Alamos to Washington, D. C., where I was associate professor of philosophy at George Washington University. That was for 1 year. After that I was employed by the University of Colorado starting in the fall of 1947, and I have been employed there continuously since then. I am now professor of philosophy at the University of Colorado.

Mr. TAVENNER. Dr. Hawkins, the committee has been in the course of investigation of activities of various individuals within the Communist Party in the State of California, and this investigation is all the more important now that this country is in the situation that it is in regard to its foreign relations, and I want to ask you to cooperate fully with the committee, if you will, in helping us to obtain a better understanding of the matters which are in the course of investigation.

Dr. HAWKINS. I am very anxious to cooperate with the committee.

Mr. TAVENNER. And in asking for that cooperation, we, of course, will have to ask you questions relating to your own background and your own experiences. So the first question of that character that I want to ask in regard to your own activities is whether or not you have at any time been a member of the Communist Party?

Dr. HAWKINS. I have.

Mr. TAVENNER. Would you state to the committee, please, the circumstances under which you affiliated with the party, and where and when it took place?

Dr. HAWKINS. As nearly as I can recollect, I joined the Communist Party in Berkeley in 1938; I think the fall of 1938. I am not too precise about the date. I left the Communist Party in the spring of 1943. The date of my departure is not too definite, because of the circumstances of my leaving.



Mr. TAVENNER. Who recruited you into the Communist Party?

Dr. HAWKINS. No one.

Mr. TAVENNER. No one solicited your membership?

Dr. HAWKINS. No, sir.

Mr. TAVENNER. With whom did you confer in the Communist Party about your affiliation?

Dr. HAWKINS. As nearly as I can recollect the circumstances of my joining, which I can describe to you if you wish, I resolved to do this, and I went and looked up the local campus branch of the Communist Party. This wasn't difficult to do in those days. Then I went to a meeting at which I signed up.

Mr. TAVENNER. Who was the person you contacted? Was it Kenneth May or some other individual at the school?

Dr. HAWKINS. I recollect Kenneth May from that time, or I can't say from that time, but I do recollect Kenneth May from this particular period of my life. I can't say there was any one individual that I now recollect with whom I discussed this.

Mr. TAVENNER. Were you assigned to a branch or cell of the Communist Party when you united with it?

Dr. HAWKINS. So far as I know there was only one branch in the region, which at that time I think was called the campus branch, or some such phrase as that, and that was the branch to which I was assigned.

Mr. TAVENNER. That was at the University of California?

Dr. HAWKINS. Yes.

Mr. TAVENNER. Do you recall whether that was a branch of the Young Communist League, as distinguished from a branch of the Communist Party?

Dr. HAWKINS. I don't believe it was a branch of the Young Communist League. I am pretty sure it was not. It was a regular Communist Party branch.

Mr. TAVENNER. What was the membership of that group?

Dr. HAWKINS. I have to answer that by just forming a picture of meetings I attended. I would say 25 or 30 people.

Mr. TAVENNER. Did you ever hold an official position in that branch?

Dr. HAWKINS. Not that I recollect.

Mr. TAVENNER. Who were the officers?

Dr. HAWKINS. I believe at the time I left Berkeley the chairman—or organizer, I think he was called—was Mr. May, but I am not certain of that. My recollections of this particular period are not too sharp.

Mr. TAVENNER. Will you give us the names of all the persons who did hold official positions in that branch of the Communist Party while you were a member?

Dr. HAWKINS. I am afraid, sir, I didn't pay much attention to those matters, and I don't recollect at the moment any other individual but Mr. May. I am sure there were others.

Mr. FANELLI. You mean the officers, Mr. Tavenner?

Mr. TAVENNER. That is right.

Dr. HAWKINS. I don't recall who the officers were or who the people were in the branch.

Mr. TAVENNER. Were you ever a member of the Young Communist League?

Dr. HAWKINS. No, sir.

Mr. TAVENNER. You have told us that you went to Stanford in 1940.

Dr. HAWKINS. Yes.

Mr. TAVENNER. Did you transfer your membership to a branch of the Communist Party at Stanford while you were there?

Dr. HAWKINS. Yes, sir.

Mr. TAVENNER. And you were at Stanford 1 year?

Dr. HAWKINS. Less than 1 year; one academic year—9 months, I think.

Mr. TAVENNER. Who were the officers of the branch at Stanford?

Dr. HAWKINS. When I went there I believe—and I am not certain about this—that Mr. Frank Oppenheimer was the chairman of that group.

Mr. TAVENNER. Will you give us the names of other officers at that time?

Dr. HAWKINS. I don't think there were other officers at that time. As I recollect it, there was just this one job which was a formal job.

Mr. TAVENNER. What was the name of the branch of the Communist Party at Stanford?

Dr. HAWKINS. It wasn't at Stanford; it was at Palo Alto. That is, it wasn't on the campus of the university. I don't think it had any name. If it did, I don't recollect it.

Mr. TAVENNER. What was the membership?

Dr. HAWKINS. I would say probably 15 or 20, but I am not too clear on the exact number.

Mr. TAVENNER. Where did you go from Stanford University, back to the University of California?

Dr. HAWKINS. Back to the University of California; yes, sir.

Mr. TAVENNER. Did you then again renew your membership there?

Dr. HAWKINS. No, sir; I didn't.

Mr. TAVENNER. I understood you to say that you were a member of the Communist Party until 1943?

Dr. HAWKINS. That is correct.

Mr. TAVENNER. Where was your membership held after leaving Stanford?

Dr. HAWKINS. Might I explain something of the circumstances?

Mr. TAVENNER. Surely.

Dr. HAWKINS. This was a period when I was not particularly happy about the general position on some political questions of the Communist Party; and in addition to that, when I went back to the University of California, I was beginning a career as a university teacher, I hoped, and I didn't want to get reinvolved in the affairs of this branch, and I therefore didn't reaffiliate with it.

Mr. HARRISON. That is in 1941?

Dr. HAWKINS. That is in the fall of 1941; yes. I didn't reaffiliate with this branch. I wanted to have what I thought I deserved and my profession deserved; an independent position in relation to the university at which I was teaching.

Mr. VELDE. What was the name of the branch at the University of California?

Dr. HAWKINS. The name I recall was campus branch. I believe there was a name which I vaguely remember from this period, which was Merriman branch.

Could I go back to the Palo Alto branch a moment?

Mr. TAVENNER. Yes.

Dr. HAWKINS. I believe I held a minor office in that branch for a time. I am sorry to be so vague about this, but I believe I was in charge of the educational activities of this branch for a very short time, as I recall.

Mr. TAVENNER. From 1941 until 1943, when I understand you ceased to be a member, did you affiliate with any other branch or cell of the party, and how did you hold your membership during that period?

Dr. HAWKINS. I did. I affiliated with a branch of the Communist Party in San Francisco. A good part of this period I was living in San Francisco and commuting to Berkeley, and this accomplished the separation which I desired.

Mr. TAVENNER. What was that branch?

Dr. HAWKINS. It was a rather small branch of professional people, mostly school teachers.

Mr. TAVENNER. Did it have a name?

Dr. HAWKINS. Not that I know of.

Mr. TAVENNER. Who were the officers of that branch?

Dr. HAWKINS. I don't recollect. I might say that my affiliation with that branch was not a very constant one. That is to say, I was not in very regular attendance at its meetings. I was never an officer of it. It was a small branch. I don't even recollect that it had any well-defined officers.

Mr. TAVENNER. How many composed that branch, the professional branch?

Dr. HAWKINS. I would say something like 10 or 12 or 15 people.

Mr. TAVENNER. Who were mainly from the teaching profession?

Dr. HAWKINS. Yes.

Mr. TAVENNER. Will you give us the names of those persons?

Dr. HAWKINS. Would you consider, sir, that I am rather reluctant to give the names of individuals whom I don't remember very well and as to whom statements I might make would perhaps misrepresent the situation at this time?

Mr. HARRISON. Of course, we are familiar with the fact that at that time it was an entirely different situation. Nevertheless, it is of value to this committee to have that information.

Mr. TAVENNER. Let me change the question slightly. Were there members of that cell who were employed at the Radiation Laboratory?

Dr. HAWKINS. No, sir.

Mr. HARRISON. Some of these people may still be in the Communist Party, and some may not.

Dr. HAWKINS. I believe they are not.

Mr. HARRISON. We are trying to sift it to be fair about it.

Dr. HAWKINS. I hope you appreciate the reason for my hesitation.

Mr. HARRISON. We understand that.

Mr. TAVENNER. Let me ask you if any of the following-named persons were members of that cell——

Dr. HAWKINS. All right, sir.

Mr. TAVENNER. Bernadette Doyle?

Dr. HAWKINS. No, sir.

Mr. VELDE. Mr. Counsel, you are referring to what branch now?

Mr. TAVENNER. The professional branch made up principally of teachers.



Mr. VELDE. Of San Francisco?

Mr. TAVENNER. Of San Francisco. I will have other questions I will want to ask him about these individuals later.

I believe, first, I am going to ask you to name those that you definitely recall were members of that branch.

Dr. HAWKINS. Is it possible that you may postpone that question, and give me a chance to think about it, until later?

Mr. TAVENNER. Yes.

Dr. HAWKINS. Thank you.

Mr. TAVENNER. The purpose of your desiring further time is to be more definite about your recollection of who were members?

Dr. HAWKINS. And about my answer, sir.

Mr. HARRISON. Your naming those people is not going to put them in the Atlanta penitentiary. We try to find out which ones of them are still active in the party and, therefore, dangerous to the country. I wouldn't say it isn't a reflection on a man's judgment that he belonged to the Communist Party in that period, but there is nothing sinister about it. It also has this bearing: We would like to know whether these people subsequently became employed by the Government, particularly on the atomic-bomb project.

Dr. HAWKINS. I realize that. My hesitation arises from two things, mainly. I can assure you that none of these people had any connection whatever with the Radiation Laboratory or Communist Party affairs at Berkeley, and if your interest is centered there I can assure you that there is no connection I know of or can conceive of between these people and the Berkeley group. It was only this extreme separation between the Berkeley group and this group that made me desire to affiliate with it.

Mr. HARRISON. Of course, there was another group that did deliver to the Soviet government every piece of scientific information they had from the Radiation Laboratory.

Dr. HAWKINS. I know nothing about that.

Mr. FANELLI. Mr. Chairman, may I respectfully suggest that you ask if the school teachers in this group were from Berkeley. Apparently not, I gather from his last answer.

Mr. TAVENNER. Where were they engaged in teaching?

Dr. HAWKINS. They lived and were employed in San Francisco, as I recollect, all of them.

Mr. TAVENNER. Did any of them have a connection with the University of California?

Dr. HAWKINS. No, sir; not that I know of. I believe they were grade-school and high-school teachers.

Mr. TAVENNER. What was the plan under which you affiliated with that group? Wasn't that done as part of a plan to help educate them in communism, because of your longer membership, probably?

Dr. HAWKINS. I wonder if I might ask you to defer that until my wife's testimony? I understand she is to testify this morning. The reason was one of family association.

Mr. TAVENNER. Are you familiar with the labor school in San Francisco?

Mr. HARRISON. Just a moment. We will recess for a few minutes. (Short recess.)

Mr. HARRISON. Will you read the question to the witness?

(The pending question was read to the witness, as follows: "Are you familiar with the labor school in San Francisco?")

Dr. HAWKINS. I know that there was a labor school in San Francisco.

Mr. TAVENNER. Were any of the teachers who were members of the branch that you were affiliated with in San Francisco connected with the labor school, to your knowledge?

Dr. HAWKINS. Not to my knowledge.

Mr. TAVENNER. Have you ever had any connection with that school?

Dr. HAWKINS. No, sir. I have a vague recollection that at one time someone asked me if I would teach a course in the labor school, but I didn't do it. That is the only thing I can recall that might connect me in any way with it.

Mr. TAVENNER. Was Frank Leslie Pollack a member of any of these branches of the Communist Party with which you were affiliated?

Dr. HAWKINS. Not to my knowledge; not of the branches with which I was affiliated.

Mr. TAVENNER. Do you know Frank Leslie Pollack?

Dr. HAWKINS. Yes, sir.

Mr. TAVENNER. Do you know whether or not he was a member of the Communist Party at any time?

Dr. HAWKINS. No, sir; I don't know.

Mr. TAVENNER. Did you ever attend a Communist Party meeting at which he was present?

Dr. HAWKINS. Not that I recollect.

Mr. TAVENNER. Did you recommend him for employment on any occasion?

Dr. HAWKINS. I have recommended a lot of people for employment at one time or another, but I don't recollect any such recommendation.

Mr. TAVENNER. In any event, I understand you did not know him to be a member of the Communist Party?

Dr. HAWKINS. No, sir.

Mr. TAVENNER. What were the circumstances under which you met him?

Dr. HAWKINS. Well, they were social, and I would find it very hard to say when I met him. I believe it was during the period when my wife and I were living in San Francisco, and I assume that I met him socially during that period.

Mr. TAVENNER. How long did you know him, for how long a period of time?

Dr. HAWKINS. This is very difficult for me to say. I may have met him prior to the time when my wife and I were living in San Francisco. If so, it was a very casual acquaintance. The thing which I recollect now, apart from seeing him and his wife in San Francisco, is that just prior to the time I left the University of California at Berkeley to go to Los Alamos we heard of an apartment, or half a house, it was, near the campus, to which we were considering moving, and in fact we had already made plans. This apartment was to be vacated by the Pollacks, and we made plans to move back to Berkeley. I had gotten tired commuting from San Francisco to the campus, and we were just planning to move to that apartment when I was offered a position at Los Alamos and accepted it.

Mr. TAVENNER. How long did your acquaintanceship continue with Pollack?

Dr. HAWKINS. I believe the last time I saw him was when I informed him that our plans had suddenly changed, that we were going to leave town; and, so far as I recollect, I haven't seen him since.

Mr. TAVENNER. I mentioned the name a few moments ago of Bernadette Doyle. Were you acquainted with her?

Dr. HAWKINS. I believe that I met Bernadette Doyle once. At any rate, I met a lady whom I presume to have been Bernadette Doyle. This lady was at that time—which I suppose was 1941 or early 1942—she was described to me as the educational director, I believe, of the Communist Party of Alameda County. Apart from that meeting with her, I don't recollect any other.

Mr. TAVENNER. Do you recall whether or not you attended any meeting at which she was present?

Dr. HAWKINS. I have no recollection of such a meeting. There may have been public meetings of some kind, or big meetings, at which she was present. I don't recollect her in any other connection.

Mr. TAVENNER. Were you acquainted with Dr. Bernard Peters?

Dr. HAWKINS. Yes, sir; I am slightly acquainted with him.

Mr. TAVENNER. Tell us what your relationship was with him.

Dr. HAWKINS. He was in some position, I don't know what, in the physics department, I believe, at the University of California, and had been a student, I believe, of various people there, Dr. Oppenheimer, for example. I recollect meeting him on the campus, and I believe I visited his house once.

Mr. TAVENNER. Was he a member of or affiliated in any way with the campus branch of the Communist Party?

Dr. HAWKINS. I don't know, sir.

Mr. TAVENNER. Would you know whether he was affiliated during the period prior to 1940 when you were an active member of that branch?

Dr. HAWKINS. I don't believe he was.

Mr. TAVENNER. After your return to the University of California in the fall of 1941, did you attend any of the meetings of the campus branch of the Communist Party?

Dr. HAWKINS. I believe not. I am quite sure I did not.

Mr. TAVENNER. Was your association with Dr. Peters sufficient to enable you to tell this committee whether or not he was affiliated with that branch of the Communist Party or any other branch?

Dr. HAWKINS. No, sir; it was not.

Mr. TAVENNER. In other words, you don't know whether he was a member or not after your return to the University of California?

Dr. HAWKINS. That is correct.

Mr. TAVENNER. The occurrence you referred to of meeting him at his home, was that a group meeting?

Dr. HAWKINS. No, sir. That was purely social.

Mr. TAVENNER. Did you become acquainted with Robert R. Davis?

Dr. HAWKINS. Not in Berkeley.

Mr. TAVENNER. You met him after he was transferred from the Radiation Laboratory to Los Alamos?

Dr. HAWKINS. The first time I met him was at Los Alamos.

Mr. TAVENNER. When were you transferred to Los Alamos?

Dr. HAWKINS. I wasn't transferred.



Mr. TAVENNER. I mean, when did you accept employment at Los Alamos?

Dr. HAWKINS. I believe I said it was around the 1st of May. It may have been the 3d or 5th or 4th.

Mr. TAVENNER. Of what year?

Dr. HAWKINS. 1943.

Mr. TAVENNER. Did you ever attend a Communist Party meeting with Robert R. Davis?

Dr. HAWKINS. No, sir; not that I know of.

Mr. TAVENNER. Did you ever discuss the subject of communism with Robert R. Davis?

Dr. HAWKINS. No, sir.

Mr. TAVENNER. Do you know whether or not he was a member of the Communist Party?

Dr. HAWKINS. I know it from a very recent period.

Mr. TAVENNER. Explain what you mean.

Dr. HAWKINS. I know it from newspaper stories of the activities of your committee.

Mr. TAVENNER. Did you know Rossi Lomanitz while you were at the University of California?

Dr. HAWKINS. I can't recall ever having met him. His name is one that I do seem to recall from that period, but I think it is simply as one of the people who was working in the physics department, about whom I may have heard his name.

Mr. HARRISON. Would you mind telling me why you joined the Communist Party?

Dr. HAWKINS. Yes, sir; I would be very glad to tell you. In this period—this is somewhere near the time of Munich—I was very much alarmed, and I think I could say in this period I had become more interested in political matters. I had been pretty much absorbed in my activities as an undergraduate, and pretty unworldly in my attitude. I became concerned about what appeared to be the imminent drive toward war in Nazi Germany, and I felt that this was something—well, I think the first recollection I have of a strong interest in political matters was the civil war in Spain. I was very much afraid that this aggressive drive toward war of Nazi Germany would not be stopped by the policies of Chamberlain and Daladier, and this view to which I came was at that time held very strongly by the Communist Party.

I think more than any other one factor was the feeling that this drive toward war could be stopped by a collective security policy and when I looked around to find people who strongly supported that policy, at least in California, the Communist Party seemed to be the principal group that was taking that position. I think this was the thing that got me interested and is the thing I kept falling back on if I had doubts about the Communist Party. This was one thing definite on which I felt one could work with these people for a good end. I think I was at a stage of development—well, not all college professors are as remote from practical considerations of politics as I was, but I was pretty remote from that sort of thing.

Mr. HARRISON. I can't help but be impressed by how strong the appeal of communism was to so many of what we might call the intelligentsia.

Dr. HAWKINS. It may be true that at this particular time, at least in California, there was a kind of feeling of crisis in the air. This was the time of terrific strife in the valleys of California, labor strife, and on the waterfront. There was a general feeling that society was not all in one piece, that people were not participating together in the democratic process but were separating into warring camps; and that may have influenced persons like myself who had sympathies for people coming out of the depression. My wife was a kindergarten teacher and saw real suffering. Children would come to school with nothing to eat or bloated stomachs because they were eating only starch. I think I never had any particular romantic illusions about the Soviet Union. I understood they had decided to follow a path that was going to be very hard on any internal democratic process, but it was true that in this period the Soviet Union, in international affairs, seemed to stand for the things that would seem to lead to peace.

Mr. HARRISON. What effect did the German-Russian Pact have on your feeling?

Dr. HAWKINS. The first thing that had any pronounced negative effect on my feeling was not the German-Russian Pact but the attitude of the Communist Parties in England and France and the United States at the time of the invasion of Norway and the Low Countries. The German-Russian Pact seemed to me to be a sheer act of national self-protection. Later on there was a war against Finland, and I couldn't accept that with any happy feeling, but again you could say, "Here is a desperate situation. It may be true that there are secret arrangements that Finland is to be used as a springboard."

Mr. HARRISON. All you had to do was look at a map and see why that was done.

Dr. HAWKINS. I think the invasion of Norway and the Low Countries gave me a real test, because up to that time I had felt that the position of the western Communist Parties was a genuine position of national self-interest. During the period when Germany had committed herself to war against the Western Powers, this then seemed to become just the war that in the whole period of the united front we had been predicting was going to happen. Suddenly you found the French and English and American Communist Parties carrying over the slogans of the previous period, and in the case of France that was so bad that the French Communist Party didn't reverse its position until the actual eve of the invasion of France. That seemed to be a terrifically opportunist position, and I was not happy about that, nor was I happy about the position of the American Communist Party at that time, but I did not withdraw from it.

Mr. VELDE. Did you inform yourself on the Communist Party before you joined?

Dr. HAWKINS. I am afraid I did not make the kind of investigation one would normally make before joining any organization. I might say it was very difficult to do because you had two stories to judge from. You had the position of people very strongly against the Communist Party, who said it was an agent of Moscow. This was laughed at in many circles, and there was nothing I could see that would indicate that.

Mr. VELDE. You didn't know the Communist Party was a part of the Comintern?

Dr. HAWKINS. If I remember correctly, they left the Comintern about the time I joined or maybe a little before or a little after. That is my recollection. The thing which I would have thought about that was, "Well, of course, if there is an international political movement in the world, then they should have some international forum through which to discuss their common problems and divergences," and in international program of that kind would not have seemed to me bad, nor does an international program now seem bad to me. I don't mean an international Communist program, but any international program.

Mr. TAVENNER. Did you become acquainted with Dr. Irving David Fox?

Dr. HAWKINS. No, sir; not that I recollect.

Mr. TAVENNER. Were you acquainted with Ken Max Manfred?

Dr. HAWKINS. No, sir.

Mr. TAVENNER. Did you know Max Bernard Friedman?

Dr. HAWKINS. No, sir. I might say this was a long time ago. When I say "No," I mean I have no recollection of these people.

Mr. TAVENNER. Were you acquainted with Philip Morrison?

Dr. HAWKINS. I would like to ask on this particular point if you could ask me a different question from that one?

Mr. HARRISON. Mr. Tavenner, we are going to have to quit before long, anyway.

Dr. HAWKINS. Could I consult with my counsel on that question?

Mr. HARRISON. He will withdraw the question if it is agreeable to you. We will have to quit at noon, anyway.

(Discussion off the record.)

Mr. HARRISON. We will recess until 2 o'clock.

(Thereupon, at 11:55 a. m., a recess was taken until 2 p. m. of the same day.)

#### AFTERNOON SESSION

(The hearing was resumed at 2 p. m., Hon. Morgan M. Moulder presiding and Hon. Harold H. Velde also being present.)

Mr. MOULDER. Let the record show that pursuant to order of the Honorable John S. Wood, chairman of the committee, Mr. Velde and Mr. Moulder were duly designated as a subcommittee of two to conduct the hearing this afternoon.

Mr. TAVENNER. The witness has been sworn and is in the middle of his testimony.

Mr. MOULDER. Proceed.

#### TESTIMONY OF DAVID HAWKINS—Resumed

Mr. TAVENNER. My last question to you, I believe, was whether or not you were acquainted with Philip Morrison.

Dr. HAWKINS. Yes, sir.

Mr. TAVENNER. What is your answer to that?

Dr. HAWKINS. May I explain my hesitation in answering that question?

Mr. TAVENNER. Well, this is just a question of whether or not you know him.

Dr. HAWKINS. I hesitated when you asked me before, and I would like very much to explain my hesitation.



Mr. TAVENNER. If the chairman agrees.

Mr. MOULDER. Yes.

Dr. HAWKINS. I have really no desire to inhibit or impede the investigations of your committee, sir; and if I knew of anything connecting individuals about whom I feel this hesitation with the radiation laboratory or with any crimes in which they might have been directly or indirectly involved, I would not feel any hesitation; but, not having such knowledge, I feel very deeply—and I am sure you will agree with this proposition—that there are certain fundamental relations of trust which tend to distinguish American society from other societies in the world today; and, unless this kind of question is to your knowledge directly or indirectly related to the subjects you are investigating, I would very much like to ask not to be asked such a question.

If there is information of this sort that you would like to get, I would just ask whether there may not be more efficient or direct ways to get it, such as asking the question of the individual himself rather than of me.

Mr. MOULDER. What was the question, Mr. Tavenner?

Mr. TAVENNER. The question was whether or not he was acquainted with Philip Morrison.

I might say that you gave the information without hesitancy that Mr. Frank Oppenheimer was the chairman of the Communist Party cell at Stanford University, or at Palo Alto.

Dr. HAWKINS. At Palo Alto, a branch there; yes.

Mr. TAVENNER. How can you explain your reluctance to give us the same information relating to Philip Morrison? What distinction do you make?

Dr. HAWKINS. Because there the relationship of trust is not involved. Mr. Oppenheimer has testified publicly regarding this, and I hope everybody in his position or my position would do the same thing; then there would not be the difficulty I now feel so deeply.

Mr. TAVENNER. In other words, you mentioned his name because he had himself made certain statements before this committee, and you would not have done so if he had not made that disclosure?

Dr. HAWKINS. If he had not, I would feel about him, as a man I respect and who I do not feel has been involved in any criminal activities, the same way.

Mr. TAVENNER. Then your hesitation is limited only by the knowledge the committee has?

Dr. HAWKINS. No; it is limited to people about whom I would find it very hard to believe they are involved in any way in criminal activities of any kind, and who do not seem to me to be within the sphere of the investigation you are conducting. This is a judgment which in the light of later knowledge I may be willing to modify.

Mr. FANELLI. Mr. Chairman, may I ask for consultation with the witness at this point?

Mr. MOULDER. Yes, indeed.

(The witness confers with his counsel.)

Mr. FANELLI. Mr. Counsel, put your question again.

Mr. TAVENNER. Are you acquainted with Philip Morrison?

Dr. HAWKINS. I have conferred with my counsel, and I would like to say that I am acquainted with Philip Morrison.

Mr. TAVENNER. What were the circumstances under which you became acquainted with him?

Dr. HAWKINS. Well, they were social, but I don't recollect them in more detail.

Mr. TAVENNER. Where did you meet him?

Dr. HAWKINS. In Berkeley, I believe, at a party of some kind, first.

Mr. TAVENNER. Was this a Communist Party meeting or just a social get-together?

Dr. HAWKINS. Just a social affair.

Mr. TAVENNER. Did you ever attend a Communist Party meeting which he attended?

Dr. HAWKINS. At this point we come back to my very deep feeling on this subject of testifying concerning people who I believe have had no connection—I believe he had no connection with the radiation laboratory, and to my knowledge he is a very loyal and patriotic citizen, and I would like to ask you if it is necessary that you ask that question of me rather than of him.

Mr. VELDE. I think the witness, Mr. Chairman and Mr. Counsel, is mistaken about the scope of the investigation conducted by this committee. It is not limited, as I understand it, to the University of California Radiation Laboratory. It extends to any Communist activity, or any subversive activity, not only in California but all over the country, as far as that is concerned. I am sure the committee is interested in any information that you can give us relative to any subversive activities which you know about, and I urge you to answer our questions and be as helpful as possible to this committee in determining just who were members of the Communist Party or who were engaged in subversive activities of any kind.

Dr. HAWKINS. I appreciate the difficulty; believe me, I appreciate it very deeply, because I experience it in my own self at this moment.

Mr. MOULDER. You may answer the question then make any explanation you desire to make, or express an opinion on any question involving the loyalty of any person.

Dr. HAWKINS. I am afraid that under the conditions which exist today, very different from the conditions which existed 10 or 8 or 9 years ago, with respect to American participation in foreign affairs and with respect to the American Communist Party, the publication of information of this kind does the kind of damage which I know is not the intent of you gentlemen in any way, but which is the necessary consequence of your investigations. I hope my position is not misunderstood. I believe that I am completely honest in my statement of it.

Mr. MOULDER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Do you know whether Philip Morrison has ever publicly announced his membership in the Communist Party?

Dr. HAWKINS. I don't know whether he has made any statements on that subject at all, sir.

Mr. TAVENNER. I may come back to the subject of Philip Morrison a little later.

Let me ask you about Louise Bransten. Are you acquainted with her?

Dr. HAWKINS. No, sir.

Mr. FANELLI. Is that Bransten?

Mr. TAVENNER. Yes, Bransten, B-r-a-n-s-t-e-n.

Do you know an individual by the name of Louise Minton?

Dr. HAWKINS. No, sir.

Mr. TAVENNER. Have I asked you as to whether or not you were acquainted with David Bohm?

Dr. HAWKINS. I don't recollect whether you did. I was not acquainted with him. I may have met him once or twice on the campus, but I don't recollect him at all.

Mr. TAVENNER. Did you know Joseph W. Weinberg?

Dr. HAWKINS. Yes, I knew him.

Mr. TAVENNER. Tell us the circumstances under which you became acquainted with him.

Dr. HAWKINS. He was also a person whom I met on the campus. I don't remember in what first connection. He is a person who stands out principally in my memory as one with whom I had several conversations on subjects very close to my main field of interest, namely, philosophy of science.

Mr. TAVENNER. When did you first become acquainted with him?

Dr. HAWKINS. I believe probably my recollection of him dates from the time of 1941 or 1942 when I was temporary instructor at the University of California.

Mr. TAVENNER. And did your acquaintanceship with him continue on for a period of a number of years?

Dr. HAWKINS. No, sir. I left off my acquaintance with him when I left Berkeley.

Mr. TAVENNER. You were at Berkeley twice.

Dr. HAWKINS. Yes. When I left Berkeley to go to Los Alamos.

Mr. TAVENNER. But you were acquainted with him from 1940 until May 1943 when you went to Los Alamos?

Dr. HAWKINS. From 1941 or 1942 until the time I went to Los Alamos.

Mr. TAVENNER. At the time you first knew him when you were at the University of California, was he at that time affiliated in any way with the Communist Party cell known as the Merriman branch of the Communist Party, or the campus branch, which you referred to?

Dr. HAWKINS. Not to my knowledge.

Mr. TAVENNER. Did he attend any meetings there that were attended by you?

Dr. HAWKINS. Not to my recollection.

Mr. TAVENNER. Did he attend any Communist Party meetings at any place where you were present?

Dr. HAWKINS. No, sir, not that I recall.

Mr. TAVENNER. If he had been a member of that branch of the Communist Party at that time—and that was during the period of your first matriculation at the University of California—would you have known it?

Dr. HAWKINS. I have no recollection of him as a member of the Communist Party in that period. As to whether I would have known it or not, I don't know.

Mr. TAVENNER. In other words, he may have been a member and that fact not be known to you?

Dr. HAWKINS. I just can't say. It was a rather large group of people. I was not deeply involved in its activities. There are a number of people at that time I don't remember at all.

Mr. FANELLI. I think the question is, Would you have known it at the time?

Dr. HAWKINS. The probabilities would be less than one half that I would have known it, because I didn't know but a small number of



people in that group. I may have recognized faces and not known names.

Mr. TAVENNER. When you came back to the University of California in the fall of 1941, I understand you did not affiliate with the Merriman branch of the Communist Party, and that you did not attend any of its meetings?

Dr. HAWKINS. That is correct; I didn't.

Mr. TAVENNER. Would you have any means of knowing whether or not Dr. Weinberg was a member of that branch in that period of time, that is, after the fall of 1941?

Dr. HAWKINS. As I indicated to you this morning, I would have been very much not interested in such matters at this point. I was not connected with that branch and I didn't want to be involved in its activities.

Mr. TAVENNER. But you were a member of the professional branch over in San Francisco during this period?

Dr. HAWKINS. Of a branch in San Francisco, yes.

Mr. TAVENNER. Was Dr. Weinberg connected in any way with that branch?

Dr. HAWKINS. No.

Mr. TAVENNER. Did you at any time sit in a Communist Party meeting with Dr. Weinberg?

Dr. HAWKINS. I believe not.

Mr. TAVENNER. Are you uncertain in a measure about that?

Dr. HAWKINS. I am no more uncertain about that than I am about any of my recollections of this period, which was sometime ago and in which I have maintained no active interest since 1943. I am reasonably certain.

Mr. TAVENNER. Did you ever visit in the home of Dr. Weinberg?

Dr. HAWKINS. I had luncheon with him one day in his home; yes.

Mr. TAVENNER. Who else was there?

Dr. HAWKINS. I was the only one. We were having a conversation and he said, "Come home with me and have lunch," and I did.

Mr. TAVENNER. Was he ever a guest in your home?

Dr. HAWKINS. No.

Mr. TAVENNER. Did you attend any social functions together that you can recall?

Dr. HAWKINS. Not that I can recall.

Mr. MOULDER. Do you recall the subject of your conversation on the occasion you went to his home?

Dr. HAWKINS. I recall one subject, which we continued through several conversations, very well. This is my chief recollection of Dr. Weinberg. Would you like me to go into that?

Mr. MOULDER. Yes.

Dr. HAWKINS. It is the problem of free will in relation to, or in contrast with, casuality or fate. We discussed this in terms of the point of view developed in modern physics, particularly developed in the school of physics, the institute, in Denmark.

I remember the discussion very well because it was one of my first serious efforts to unravel this age-old problem which never gets unraveled. The point of view of modern physics is that some of the old ideas of cause and effect break down in the whole range of modern physics. The question has arisen in many people's mind whether this breakdown of those ideas in that field may not imply some corresponding breakdown in the field of human life, and whether, if

this is the case, it may not be so that the old idea of free will, which everybody has always believed in anyway, and which philosophers have always believed in——

Mr. MOULDER. That was the general subject?

Dr. HAWKINS. That was the general subject, yes.

Mr. VELDE. Do you recall when that discussion took place?

Dr. HAWKINS. I would guess late in 1942 or early 1943.

Mr. VELDE. Was Dr. Weinberg employed at the radiation laboratory at that time?

Dr. HAWKINS. To my knowledge he was a member of the physics department. I don't know what his status was there.

Mr. VELDE. Did he talk about his work any in that connection?

Dr. HAWKINS. No, sir, not at all.

Mr. VELDE. You knew, of course, that he was specializing in the field of nuclear physics?

Dr. HAWKINS. I think most of the people there did. I didn't have any special knowledge of his field.

Mr. VELDE. Did you have any work in the field of nuclear physics?

Dr. HAWKINS. No, sir.

Mr. VELDE. That is all.

Mr. MOULDER. Proceed.

Mr. TAVENNER. Did you become acquainted with Steve Nelson?

Dr. HAWKINS. Yes, sir; I did.

Mr. TAVENNER. Will you tell us the circumstances under which you met him and your relationship with him?

Dr. HAWKINS. I barely became acquainted with him. I know that it was not social. At least, I am reasonably sure it was not just some social gathering. I presume it was some conversation that I had with him with respect to some Communist Party affairs.

Mr. TAVENNER. When did you first become acquainted with him?

Dr. HAWKINS. This would have been in the period after I came back to Berkeley the second time.

Mr. TAVENNER. Had you met him before you went to Palo Alto?

Dr. HAWKINS. I don't believe I had.

Mr. TAVENNER. What was the occasion for your meeting him after your return to Berkeley in the fall of 1941?

Dr. HAWKINS. I find it very difficult to figure out what the occasion might have been. It was nothing which stuck in my memory.

Mr. TAVENNER. You say it probably pertained to Communist Party work. You were not identified, as I understand, with the Merriman branch at that time?

Dr. HAWKINS. That is correct.

Mr. TAVENNER. Does that mean it was in connection with party work in San Francisco?

Dr. HAWKINS. No. I don't think it could have meant that. Mr. Nelson, as I recall, had some official position in the Alameda County Communist Party, and I think I may have seen him altogether once or twice in some connection which is completely obscure.

Mr. TAVENNER. You have been to the Communist Party headquarters in San Francisco, have you not?

Dr. HAWKINS. I think I was there once. I have a recollection of going to a place which I remember because of a feeling of trepidation I had in going there. I think I was there once.

Mr. TAVENNER. Whom did you meet on that occasion?

Dr. HAWKINS. I believe it may have been a lady named Gannett.

Mr. VELDE. Was it Louise Todd Lambert?

Dr. HAWKINS. No, I don't think so.

Mr. TAVENNER. Was it Betty Gannett?

Dr. HAWKINS. It may have been.

Mr. TAVENNER. Were you acquainted with Betty Gannett?

Dr. HAWKINS. If this is the lady I have reference to, I met her on that occasion.

Mr. TAVENNER. What was the purpose of your visit?

Dr. HAWKINS. I don't know. It may have had something to do with ideas I had voiced about Communist Party policies, or something of that sort.

Mr. TAVENNER. Could it have had anything to do with a proposed lecture or talk that you were to give at the labor school?

Dr. HAWKINS. I might have, but I don't recall ever giving such a talk. I believe I said this morning that I do recall I was asked to give a course in the history of philosophy.

Mr. TAVENNER. Do you recall whether your conversation with Betty Gannett on that occasion had any connection with the labor school?

Dr. HAWKINS. I don't recall.

Mr. TAVENNER. Did you meet at the Communist Party headquarters in San Francisco a person by the name of Pearl E. Freeman?

Dr. HAWKINS. I believe not.

Mr. TAVENNER. Who later went to Hawaii with her husband as organizer of the Communist Party in Hawaii?

Dr. HAWKINS. The name means nothing to me at all.

Mr. TAVENNER. With further reference to Steve Nelson, where did you meet him, in Berkeley or in San Francisco?

Dr. HAWKINS. I believe in Berkeley.

Mr. TAVENNER. How many times do you think you met him there?

Dr. HAWKINS. I believe once or twice.

Mr. TAVENNER. Did he search you out, or did you search him out?

Dr. HAWKINS. I don't recall that there was any searching at all.

Mr. TAVENNER. You would know how the meeting came about; wouldn't you?

Mr. FANELLI. Mr. Chairman, off the record.

(Discussion off the record.)

Mr. TAVENNER. A person of the importance of Steve Nelson, who was at that time the organizer for Alameda County, and a person with a very dynamic personality—

Dr. HAWKINS. I recall that impression of him.

Mr. TAVENNER (continuing). It would seem a little strange that you would not recollect any of the circumstances under which you met him.

Dr. HAWKINS. I might be able to recall some incidental circumstances. I believe that I met him in a restaurant or some place of that sort.

Mr. TAVENNER. This may serve to refresh your recollection. There is information in the committee's files to the effect that he went to the various Communist group meetings and delivered lectures on various subjects. I am positive I am correct in my recollection that one of the lectures he gave was on Spain, a subject you have shown some interest in. Does that serve to refresh your recollection?



Dr. HAWKINS. No. I have never heard him lecture, I don't think, anywhere. I believe he had been in some fairly important position in regard to the international brigade in Spain, but I had no conversation with him on that subject and didn't hear him talk about it.

Mr. VELDE. Have you ever been in his home?

Dr. HAWKINS. I don't know. I have a recollection of going some place with some one other person, I don't remember who, to see him, and I have partly a picture of some restaurant. I don't know if you know the map of Berkeley, but Berkeley is contiguous to Oakland, and I remember going in that direction, and I have a dim recollection of going to some house. Whether it was his house or not, I don't know.

Mr. VELDE. I think Steve Nelson, during the time he was in the international brigade in Spain, became acquainted with Togliatti as well as Tito. Did he ever discuss with you Togliatti and Tito?

Dr. HAWKINS. No. These were very brief meetings that had nothing to do with any large-scale political significance of any kind.

Mr. VELDE. Have you ever been in Communist Party headquarters in Oakland?

Dr. HAWKINS. I believe not.

Mr. VELDE. Do you know where they were?

Dr. HAWKINS. No, sir; I do not.

Mr. MOULDER. I believe the point of Mr. Tavenner's question is whether your meeting with Steve Nelson was by appointment or by accident.

Dr. HAWKINS. It was not an accidental encounter, because I didn't know the man. As I recollect, I was with some other one person.

Mr. MOULDER. Then it was by previous arrangement?

Dr. HAWKINS. I don't know. It must have been, but I have no recollection.

Mr. TAVENNER. Was the person who accompanied you a member of your own party cell in San Francisco, or was he affiliated with the branch in Berkeley?

Dr. HASKINS. He was not a member of the branch I was affiliated with in San Francisco, I am sure of that.

Mr. TAVENNER. Was he a student?

Dr. HAWKINS. I assume he was someone connected with the Alameda set-up or with the Berkeley set-up. It may have been Kenneth May, whom I knew as a Communist Party member, and whom I had known for some time. This is the only person I can think of that it might plausibly have been, but this is conjecture on my part.

Mr. MOULDER. Mr. Tavenner wanted to know if he was attempting to contact you and others attending the university to attend a meeting.

Dr. HAWKINS. I was never asked by him to attend a meeting. Of that I would be quite sure.

Mr. TAVENNER. How many people were present on the occasion you spoke about meeting Steve Nelson?

Dr. HAWKINS. If my recollection is correct there was this other person and myself meeting Steve Nelson, and for a very brief period.

Mr. TAVENNER. After discussing the details of that meeting, can't you now recall who the individual was who accompanied you?

Dr. HAWKINS. No, I cannot. I believe it may have been Kenneth May, but I don't recollect.

Mr. TAVENNER. Was the meeting held at your suggestion, or at your comrade's suggestion?

Dr. HAWKINS. I certainly wouldn't have had any reason to suggest it myself.

Mr. TAVENNER. How frequently did you see Steve Nelson after that?

Dr. HAWKINS. I think I saw him altogether probably twice or possibly three times.

Mr. TAVENNER. Tell us what you recall of the other meetings.

Dr. HAWKINS. This is all blurred into one meeting, of having met Steve Nelson. He is a rather forceful type of person. But I know nothing about him other than that he was at that time the head of the Alameda County Communist Party, and other than that fact, he was a veteran of the Spanish civil war and considerably admired by people who talked to him simply because of this rather romantic experience.

Mr. TAVENNER. Were you alone when you spoke to him?

Dr. HAWKINS. I don't recall any meeting with him with more than this one possible person, and as I have tried to say, my memory of this is composite and very far from as clear as you or I would like to have it.

Mr. TAVENNER. Are you acquainted with Jordan Carson Mark?

Dr. HAWKINS. Yes.

Mr. TAVENNER. Will you tell us the circumstances under which you met him?

Dr. HAWKINS. I met Mr. Mark at Los Alamos when he came there with the British mission, I believe. I believe he was a Canadian who came to Los Alamos at the time several of the British came to Los Alamos.

Mr. TAVENNER. Will you tell us the character of your employment at Los Alamos?

Dr. HAWKINS. I find it difficult to explain the nature of my job. It was called administrative aide. My job was, roughly, to do all of the things that needed to be done and for which there was no regular administrative officer available. I was a sort of handy man or trouble shooter in an administrative capacity.

Mr. TAVENNER. What were some of the fields in which you worked while you were there? And you were there from 1943 to 1946, I understand?

Dr. HAWKINS. That is right. My first job, I well remember, was in connection with draft deferment of some of the younger members of the scientific staff. When I got there, a man who had been there and who actually preceded me by 3 weeks had been getting out draft deferment forms and so on and set up the routine. Then when I came along I was asked to take this job over, and I formally represented the laboratory in signing letters requesting draft deferments.

Another job which I had at this time was drafting a book of regulations for people who worked in the laboratory. The rules were established, but they were not codified. For example, we had restrictions on travel at Los Alamos.

Mr. TAVENNER. For security reasons?

Dr. HAWKINS. Yes. And I did that drafting job. I was in the personnel office of the laboratory in a secondary capacity for quite a long while; and I was a kind of representative of the laboratory in terms of the three-cornered relationship that existed between the civilian community of Los Alamos, which was a town that had lots of

wives and children and dogs; the laboratory; and the United States Engineers. I was a kind of representative from the point of view of the laboratory on some of the problems that arose. If a dog bit a child, and the dog turned out to be the dog of a very important technician, I would have to worry about whether banning the dog would cause the technician to leave and go to another war job. We had a community council at Los Alamos, and I had to meet with the council, together with a representative of the United States Engineers.

MR. TAVENNER. As administrative assistant, who was your superior?

DR. HAWKINS. Mr. Oppenheimer.

MR. TAVENNER. Mr. Frank Oppenheimer?

DR. HAWKINS. No, Mr. Robert Oppenheimer. During the early period there weren't enough administrative officers, and everybody who worked there had Mr. Oppenheimer as his immediate superior, but later on I worked mainly under the personnel director, Dr. Hughes, and, later on, Dr. Shane.

MR. TAVENNER. Did you apply for the position there, or was it tendered to you?

DR. HAWKINS. It was tendered to me.

MR. TAVENNER. By whom?

MR. HAWKINS. By my former boss at the university, now dean of the graduate school, W. R. Dennis.

MR. TAVENNER. Were you required to give references when you accepted the position?

DR. HAWKINS. Yes, sir.

MR. TAVENNER. Who were your references?

DR. HAWKINS. One of my references I am quite sure of was Dr. Henry W. Stewart, who had been the man who had first interested me in philosophy as a career at Stanford when I was an undergraduate. I find it hard at this moment to recall other references. I think there were three or four others, but I recall him particularly.

MR. TAVENNER. Can you recall others?

DR. HAWKINS. I believe Mr. Dennis may have been one of my references, though he is the one who tendered the job to me. Perhaps some other member of the philosophy department.

MR. TAVENNER. When you left San Francisco for Los Alamos, you were then a member of the Communist Party in San Francisco; were you not?

DR. HAWKINS. No, sir. The dates of my departure from the Communist Party and my departure for New Mexico are close. If you would like me to go into that, I will.

MR. TAVENNER. Yes.

DR. HAWKINS. In the period between the invasion of Norway and the invasion of Russia by Germany, I had not been satisfied with the position of the Communist Party, and found it very difficult to meet arguments made at that time that the American and other Communist Parties were more interested in Russia than in America. After the invasion of Russia this particular problem didn't exist as an immediate problem, because the American Communist Party took a position which was hardly distinguishable from any other position at this point.

I think a much more fundamental reason in my case was that I felt increasingly, as a member of the university community, as a political,



I hoped, professor in philosophy, and as a person who wanted to live in the fuller sense of the word among my colleagues and students, that continued membership in the Communist Party would create a gap, and almost necessarily a duplicity.

Mr. TAVENNER. You told us that when you moved back to the University of California in the fall of 1941.

Dr. HAWKINS. That was a partial step.

Mr. TAVENNER. This was 1943.

Dr. HAWKINS. I believed it was possible to continue being in the Communist Party provided it did not become involved in my professional life. Later on I realized it could not be involved in my life in any way. I withdrew because I wanted to be able to stand for what I stand for and have no reservations or secrets about it.

Mr. TAVENNER. Did you offer a written resignation?

Dr. HAWKINS. No, sir.

Mr. TAVENNER. What evidence, then, do you have that you actually did resign?

Dr. HAWKINS. No evidence of that sort, and I think no evidence except my life since then.

Mr. TAVENNER. To whom did you pay Communist Party dues while you were a member in the various branches that you were a member of?

Dr. HAWKINS. I presume I paid them to somebody in the various branches designated as treasurer.

Mr. TAVENNER. Having paid those dues from 1938 to 1943, 5 years, you certainly know the names of persons to whom you paid the money?

Dr. HAWKINS. There was no one person. My recollection is, this job was a very informal job, and I don't recall any one person in the campus branch or in Palo Alto or in San Francisco who was designated as treasurer for a long period of time.

Mr. TAVENNER. But you would know the individuals to whom you paid your dues; wouldn't you?

Dr. HAWKINS. I might in some instances.

Mr. TAVENNER. Who were they?

Dr. HAWKINS. I don't recall.

Mr. TAVENNER. How much did you pay per month?

Dr. HAWKINS. I don't recall, but it must not have been very much, otherwise I would have been a non-Communist for financial reasons.

Mr. TAVENNER. You have identified for us the names of the chairmen of the Palo Alto branch and the Merriman branch. Can you tell us who was the treasurer at any one time?

Dr. HAWKINS. No, sir. This was a matter in which I had no interest and no concern.

Mr. TAVENNER. Who was chairman of the professional branch in San Francisco?

Dr. HAWKINS. I don't recollect any of those individuals as the chairman. I believe they must have either had no chairman, or in some informal way rotated among themselves. I think I explained to you that I met with this group, but I was never involved in its activities in any major way.

Mr. TAVENNER. Can you recall the person to whom you last paid your Communist Party dues?

Dr. HAWKINS. No, sir.

Mr. TAVENNER. What was the date on which you paid your last Communist Party dues, or approximate date?

Dr. HAWKINS. I believe I must have paid dues through February or March, but I can't fix the date. There wasn't a wide gap between my leaving the Communist Party and my entry into war work. I would say that a secondary, but quite real, reason for my leaving that area was the feeling that I would then be completely disassociated.

Mr. TAVENNER. Did you ever pay Communist Party dues after going to Los Alamos?

Dr. HAWKINS. No.

Mr. TAVENNER. Did you ever attend a Communist Party meeting of any kind after you went to Los Alamos?

Dr. HAWKINS. No, sir.

Mr. TAVENNER. That brings me back to the question I was asking you as to circumstances under which you became acquainted with Jordan Carson Mark. Will you proceed with your explanation of that now?

Dr. HAWKINS. He was a member of the British mission, as I recall, and came to Los Alamos from the Canadian atomic energy project. He was known to me casually, and only in that connection. He was a mathematician by profession, and his job, as I recall it, had to do with mathematical computations and things of that sort. I met him around the laboratory and knew him as I knew other people.

Mr. TAVENNER. Was Dr. Allen Nunn May there during the time Mr. Mark was there?

Dr. HAWKINS. I am quite certain he was not.

Mr. TAVENNER. Were you acquainted with Dr. Allen Nunn May?

Dr. HAWKINS. No, sir.

Mr. TAVENNER. The records of our committee indicate that on July 8, 1946, you made a speech at the Episcopal Church, Albuquerque, N. Mex., in which you defended Dr. Allen Nunn May. Is that correct, and if it is, do you have any explanation you desire to make of it?

Dr. HAWKINS. I recollect the speech that I made at a church in Albuquerque about that time; 1946, did you say?

Mr. TAVENNER. Yes.

Dr. HAWKINS. I would be quite certain I did not defend Dr. May. I may have offered a probable explanation of his behavior, but it would not have been one which in any sense condoned that behavior.

I might say this is a subject on which I have talked rather frequently, not Dr. Allen Nunn May, but I have talked to my friends and acquaintances a lot about this, that it seems strange to me that the most romantic kind of wrong-headedness could lead a person to espionage, when from my point of view the whole point of the internationalism of science is that it provides a moral bond between nations, and that people in different countries who give away their country's secrets are not helping the international movement. However, I can appreciate that the actions of a man like May—whom I did not know but take him as typical of the romantic and wrong-headed groups—may have come not from base but altruistic motives. I think that is the kind of thing I might have said.

I might add one further explanation here for my behavior at that particular meeting. Before this meeting I was invited to the house of a friend in Albuquerque, and I was not very familiar with this business of public speaking at that time, and she gave me a rather stiff drink which she said would put me in shape to talk, and I tried

very hard to eat a large dinner afterward, but I am afraid I was a disgrace to the pulpit, because I definitely felt on the high side; but I know very well my own views on that subject before and since.

Mr. TAVENNER. Did you then, or have you now, any knowledge of how Dr. Allen Nunn May obtained samples of U-235?

Dr. HAWKINS. No, sir.

Mr. MOULDER. We will recess for about 20 minutes.

(Thereupon, at 3:10 p. m., a recess was taken until 3:30 p. m.)

Mr. MOULDER. Proceed.

Mr. TAVENNER. Do you recall the passage of the Dilworth anti-Communist bill by the legislature of California?

Dr. HAWKINS. Not by that name; no, sir.

Mr. TAVENNER. Were you active in opposition to any anti-Communist bill before the California State Legislature?

Dr. HAWKINS. I certainly wasn't very active with respect to any legislative bills. I frankly was not a very politically active person.

Mr. TAVENNER. Were you not asked, either directly by Louise Bransten or in a way that it originated from Louise Bransten, to go to Sacramento, Calif., to lobby against the Dilworth anti-Communist bill?

Dr. HAWKINS. No, sir. I may have gotten something through the mail. I certainly never went or contemplated going to Sacramento to lobby against any bill.

Mr. TAVENNER. Then you did receive an invitation to go?

Dr. HAWKINS. I say I may have. People get a lot of things through the mail of that sort.

Mr. TAVENNER. Are you acquainted with Leonard Trainer Pockman?

Dr. HAWKINS. He is my brother-in-law.

Mr. TAVENNER. Do you know him to be a member of the North Side Club of the Communist Political Association in San Francisco, or at least to have been in 1944?

Dr. HAWKINS. No, sir.

Mr. TAVENNER. Did you ever sit in a Communist Party meeting with him?

Dr. HAWKINS. No, sir.

Mr. TAVENNER. Have you any knowledge of the delivery by him of technical papers and documents to Anna Louise Strong for delivery to Russian scientists or emissaries?

Dr. HAWKINS. Absolutely not.

Mr. TAVENNER. Was he a member of the Communist Party, to your knowledge?

Dr. HAWKINS. At any time, sir?

Mr. TAVENNER. Yes.

Dr. HAWKINS. May I repeat my earlier suggestions, and may I have your permission to consult with my counsel if you wish to press that question?

Mr. TAVENNER. Yes. I will have to press that question.

(Witness confers with his counsel.)

Dr. HAWKINS. Mr. Chairman, I have a statement I would like to make. May I read this, it is a brief statement?

Mr. MOULDER. In order that the record will be clear, let us proceed in an orderly manner on the question, and then you can present your request for permission to read a statement, because we don't know what the outcome of the questioning may be or whether your statement will be responsive.



Mr. TAVENNER. Will you answer the question?

Dr. HAWKINS. May I read the statement, sir?

Mr. MOULDER. Repeat the question, Mr. Tavenner.

Mr. TAVENNER. Was Leonard Pockman a member of the Communist Party at any time, to your knowledge?

Dr. HAWKINS. Now may I read the statement?

Mr. TAVENNER. I understood the chairman's ruling to be that you would first be required to answer the question, and then, depending on the answer, he would pass on your request for permission to read the statement.

Mr. FANELLI. I may state that this statement is a respectful declinature to answer the question.

Mr. MOULDER. Make any statement you may desire to make in answer to the question.

Dr. HAWKINS. I have conferred with counsel. I can say that I know of nothing connecting my brother-in-law, Leonard Pockman, with espionage or any other criminal activity. Beyond that, my brother-in-law has, on grounds of invasion of his constitutional rights, declined to sign the State oath for California employees. Since he insists on his constitutional right of free thought and association, I am unwilling to invade that right for him. I, again, humbly request you gentlemen to forego further questions of me as to him. If you insist on an answer, I must, without intent of leaving any implication, respectfully decline to answer; and, in doing so, claim, on advice of counsel, all legal and constitutional rights that I may have, including the protection of the first and fourth amendments.

May I please, sir, have another question?

Mr. MOULDER. You have referred to your brother-in-law. Who is your brother-in-law referred to in the answer you have just read?

Dr. HAWKINS. Leonard Trainer Pockman.

Mr. TAVENNER. Then do I understand that you refuse to answer the question?

Dr. HAWKINS. Yes, sir.

Mr. FANELLI. Mr. Chairman, I would like to say in the witness' behalf that he has endeavored to cooperate with the committee. He has answered most of the questions you have asked.

Mr. MOULDER. Of course the record will speak for itself.

Mr. FANELLI. I understand. I do want to say that this particular question—

Mr. MOULDER. Let us proceed, Mr. Counsel, with the interrogation of the witness.

Mr. TAVENNER. Are you acquainted with Jack Clark Pockman, brother of Leonard Pockman?

Dr. HAWKINS. Yes, sir.

Mr. TAVENNER. How long have you known him?

Dr. HAWKINS. Since, I would say, 1936 or 1937. I met all of my wife's brothers at the time or shortly after I met her, which was in 1936.

Mr. TAVENNER. Did you ever attend a Communist Party meeting with him?

Dr. HAWKINS. No, sir.

Mr. TAVENNER. That is, with Jack Clark Pockman?

Dr. HAWKINS. No, sir.

Mr. TAVENNER. Was Jack Clark Pockman a member of the Communist Party during the year 1944, to your knowledge?

Dr. HAWKINS. I don't know.

Mr. TAVENNER. You do not know?

Dr. HAWKINS. I do not know. I made the same answer with reference to Mr. Leonard Pockman in 1944.

Mr. TAVENNER. Do you know whether either of the two, Leonard Pockman or Jack Clark Pockman, were members of the Communist Party at any time?

Dr. HAWKINS. I declined, sir, to answer that question in the case of Leonard Pockman, and I feel that I must also decline to answer in the same way in respect to Mr. Jack Clark Pockman.

Mr. TAVENNER. I return now to the question asked you earlier in the course of your testimony as to whether or not Philip Morrison was known to you to be a member of the Communist Party; and I will have to state to you that as far as I am concerned as counsel, I cannot accept your explanation as to the reason why you are reluctant to testify. It is quite possible that this individual, as well as other persons whose names you have declined to give, may be today active in communism, at a time when it is important to the defense of this country, as well as for the legislative purposes of this committee, to know about those things. Therefore, I will have to insist that you answer.

Dr. HAWKINS. I have asked in turn, might it not be possible that your committee could find out these matters in a more direct and satisfactory manner, and had hoped you would not press me to answer them.

Mr. TAVENNER. If Philip Morrison be a Communist Party member at this time, would you expect him to admit it?

Dr. HAWKINS. I believe that is a kind of hypothetical question which is inconsistent with my knowledge of Mr. Philip Morrison.

Mr. MOULDER. May I suggest you propound the question again, Mr. Tavenner?

Mr. TAVENNER. Is Philip Morrison a member of the Communist Party to your knowledge at this time, or has he ever at any time been a member of the Communist Party?

Dr. HAWKINS. Might I separate those questions?

Mr. TAVENNER. Yes. I will break it up. Has Philip Morrison been a member of the Communist Party at any time, to your knowledge?

Dr. HAWKINS. I would prefer to answer the other part of the question, if I may.

Mr. TAVENNER. No; I would like you to answer that question.

Dr. HAWKINS. I have conferred with counsel, and I can say that I know of nothing connecting Philip Morrison with espionage or any other criminal activity. Beyond that, I am unwilling to testify. If you insist on more, I must respectfully decline to answer; and, in doing so, claim, on advice of my counsel, all legal and constitutional rights that I might have, including the protection of the first amendment.

Mr. TAVENNER. Then you refuse to answer the question?

Dr. HAWKINS. Yes, sir.

Mr. TAVENNER. Do you know of any espionage activity on the part of any individual?

Dr. HAWKINS. No, sir.

Mr. TAVENNER. Is Philip Morrison a Communist today, as far as you know?

Dr. HAWKINS. I believe that he is not.

Mr. TAVENNER. What is the basis of your belief?

Dr. HAWKINS. Mr. Morrison is a man with whom I have discussed political matters at some length, and I believe that his views are incompatible with the views of the Communist Party.

Mr. TAVENNER. When was the last time you talked to him on that subject?

Dr. HAWKINS. I can't recall the last time I talked to him on that subject precisely, but I believe it may have been last summer.

Mr. TAVENNER. When was the first time you talked to him on that subject when you gained such an impression?

Dr. HAWKINS. I came to know Mr. Morrison fairly well in the period of the war. As I recall, he came to Los Alamos in 1944, possibly; and my conversations with him from that time would very strongly indicate he was not in sympathy with the Communist Party position.

Mr. TAVENNER. Would you think that a statement made by him in defense of Eugene Dennis, one of the 11 Communists tried in New York, as reported by the Daily Worker on May 5, 1950, would be consistent with his change in attitude toward the Communist Party?

Dr. HAWKINS. I would have to see the contents of the statement. I believe there are many reasons and many connections in which a man might be defended. I don't know anything about this particular statement.

Mr. TAVENNER. Dr. Philip Morrison, according to information in the hands of the committee, was a supporter of the World Peace Appeal in June 1950. Would you think that a person active in support of that particular work would be favoring communism?

Dr. HAWKINS. I would think that an individual might support—personally, I did not—might support such an appeal as this without being, or without necessarily giving any indication of being, a member of the Communist Party.

Mr. TAVENNER. Have you ever been a member or an official of the National Council of the Arts, Sciences, and Professions?

Dr. HAWKINS. I believe I sent them \$2 once.

Mr. TAVENNER. When was that?

Dr. HAWKINS. That would have been in 1948 or possibly 1949. I have never been an official.

Mr. TAVENNER. According to information in the possession of the committee, Dr. Hawkins in October 1948 sponsored a conference entitled "To Safeguard These Rights," at the instance of the Bureau of Academic Freedom of the National Council of the Arts, Sciences, and Professions. I believe you were one of the sponsors of this conference; is that correct?

Dr. HAWKINS. I believe I may well have been.

Mr. TAVENNER. Will you explain to the committee how you became interested in and joined the National Council of the Arts, Sciences, and Professions, and how it happened that you became a sponsor of the conference referred to?

Mr. FANELLI. He said he might have been a sponsor, but your question includes an assumption he was a member. He said he sent \$2. Maybe that made him a member. I don't know.

Mr. TAVENNER. What was your purpose in sending them \$2?



Dr. HAWKINS. That was in response to an appeal for funds; and in relation to your latter question in regard to the National Council of Arts, Sciences, and Professions, since the end of the war I have been personally very much interested in the opportunities that are available to people in my profession to be concerned with political affairs of one sort or another, and I have great respect for the integrity of some of the people who seem to be sponsoring this National Council, and while I had no way of knowing whether this was an organization which Communists might support, I at least believed that it was not run as a Communist-front organization. I therefore supported it in line with my general views on such matters.

Mr. TAVENNER. Will you explain how you were invited to become a sponsor of this particular conference?

Dr. HAWKINS. I don't recollect. I think I probably got an appeal through the mails. I already knew something of the National Council, and I did it on that basis.

Mr. TAVENNER. The program of the Cultural and Scientific Conference for World Peace, which was sponsored by the National Council of the Arts, Sciences, and Professions, lists a Dr. David Hawkins as a sponsor of the conference. Are you the Dr. David Hawkins listed in that connection?

Dr. HAWKINS. Is this the Waldorf-Astoria conference?

Mr. TAVENNER. Yes.

Dr. HAWKINS. Yes; I believe I was a sponsor.

Mr. TAVENNER. Will you state the circumstances under which you were invited to serve as such sponsor?

Dr. HAWKINS. I believe I got the invitation through the mail, and primarily my sponsorship was in terms of my knowledge of some of the people who were interested in organizing it. This was a conference whose aims I very much believed in, and still do. I think its actual performance was such that those aims were not furthered, and I would not, without great hesitation, sponsor such an effort again.

(Hon. Morgan M. Moulder left hearing room, and Hon. Harold H. Velde presided.)

Mr. TAVENNER. Are you presently, or have you ever been, a member of the Civil Rights Congress?

Dr. HAWKINS. No, sir; I believe not.

Mr. TAVENNER. The program of the Bill of Rights Conference held in New York City July 16 and 17, 1949, lists one Professor Hawkins, University of Colorado, as a sponsor of the Bill of Rights Conference. Does that refresh your recollection?

Dr. HAWKINS. What was that conference called?

Mr. TAVENNER. Bill of Rights Conference, at which Paul Robeson was the principal speaker.

Dr. HAWKINS. What was the date?

Mr. TAVENNER. July 16 and 17, 1949.

Dr. HAWKINS. I am sorry to ask so many detail questions. Where was this conference?

Mr. TAVENNER. It was held in New York City at the Henry Hudson Hotel.

Dr. HAWKINS. I have no present recollection of having sponsored it, but I believe I may have. I was not a member of the Civil Rights Congress. I presumably did sponsor this particular conference.

Mr. TAVENNER. How did it occur that you sponsored the conference if you were not a member of the Civil Rights Congress?

Dr. HAWKINS. I have gotten literature from the Civil Rights Congress many times. This must be one of those numerous appeals which, as a supporter of civil rights, I would have sponsored.

Mr. TAVENNER. You have spoken of having knowledge of people who were interested in these various projects which you sponsored. Did the Communist Party or any Communist Party members play any part in obtaining your action in sponsoring those meetings?

Dr. HAWKINS. Certainly not the Communist Party. I have no knowledge of anyone's Communist Party membership since the time of my own withdrawal from the party.

Mr. TAVENNER. The Daily Worker issue of July 18, 1950, in an article entitled "Colorado Students, Teachers, Flay Mundt Bill," states that after speeches by Prof. Zachariah Chafee, of Harvard Law School, Dr. Karl G. Douglass, professor of education, and Dr. David Hawkins, professor of philosophy, both of Colorado University, that the Colorado students and faculty, by a vote of 350 to 3, adopted a resolution urging the Senate of the United States to defeat the Mundt-Nixon bill.

Dr. HAWKINS. Yes, sir.

Mr. TAVENNER. Will you please outline to the committee all knowledge you possess as to how this meeting was arranged, how the speakers were selected, and how the resolutions were prepared and presented for adoption at this meeting?

Dr. HAWKINS. I believe there was a student committee on the Mundt-Nixon bill, opposed to it, and I believe they asked Professor Chafee and Professor Douglass and myself to speak on their program.

Mr. TAVENNER. Do you know anything about the nature of that student council or group, as to the nature of the organization?

Dr. HAWKINS. My recollection is not clear on that, but I believe it was an ad hoc committee that was organized by the students. I may be wrong about that.

Mr. TAVENNER. Someone or some group had to be instrumental in doing that organizational work. Do you have any knowledge as to who those individuals were?

Dr. HAWKINS. No, sir.

Mr. TAVENNER. How were you invited to take part in the meeting?

Dr. HAWKINS. As I recollect, by some student or group of students who came to see me and asked if I would speak.

Mr. TAVENNER. Did you take any part in planning the meeting, or the nature of the program?

Dr. HAWKINS. No, sir. I might say this was not the students and faculty of the University of Colorado. It was the students and faculty which came to this particular meeting, which I recall quite well.

Mr. TAVENNER. Was there a group at the University of Colorado known as the Marxist Study Group?

Dr. HAWKINS. Yes, sir.

Mr. TAVENNER. Was it the group to which you referred who organized this meeting?

Dr. HAWKINS. I am quite sure it was not.

Mr. TAVENNER. Will you tell us the circumstances under which the Marxist Study Group was formed?

Dr. HAWKINS. Yes, sir; I can tell you something about that. The circumstances, as I remember them, were these: A number of students came to me and asked me if I would be a sponsor of such a group. I



might explain what sponsorship implies. On our campus, any student organization can be formed if it is of a type allowed by the university authorities and has a requirement of some faculty sponsorship. The significance of this sponsorship is that the faculty member involved promises to attend a certain percentage of the meetings of the group and see to it that they don't do anything foolish. If they don't find anyone who is willing to be a sponsor, sometimes the dean of the college will appoint a sponsor. Sponsorship does not imply any part in the organization other than that if they do not behave themselves the faculty member involved will prevail on them to behave themselves or withdraw his sponsorship.

Mr. TAVENNER. Will you explain to the committee the nature of the meetings of the Marxist Study Group?

Dr. HAWKINS. I recall two or three meetings of this group. One of them was a talk given by myself at their invitation on biology, having, as far as I can tell, nothing to do with Marxism. The other meeting which I recall was a discussion of the problem in relation to Marxism of the state and revolution. I believe they had some other meetings which I did not attend.

Mr. TAVENNER. Do you know the names of any other guest speakers?

Dr. HAWKINS. I believe that this study group had a meeting at which they invited some member of the Colorado Communist Party to speak. I don't recall his name or the circumstances.

Mr. TAVENNER. Was his name Art Barry, B-a-r-r-y?

Dr. HAWKINS. I believe it was.

Mr. TAVENNER. He was the Colorado regional director of the Communist Party, was he not?

Dr. HAWKINS. I am not sure of that.

Mr. TAVENNER. Was he a member of the student body at the time?

Dr. HAWKINS. No; he was an outside speaker.

Mr. TAVENNER. Had he attended Colorado University to your knowledge?

Dr. HAWKINS. Not to my knowledge.

Mr. TAVENNER. Do you know of any instances in which lectures were given in opposition to the Marxist theories?

Dr. HAWKINS. Yes, sir.

Mr. TAVENNER. At these meetings?

Dr. HAWKINS. At the meetings of the Marxist Study Group?

Mr. TAVENNER. Yes.

Dr. HAWKINS. Yes, sir. I believe they had two or three members of the university faculty, or perhaps four or five, at one time or another, speak in opposition to the Marxist theories.

Mr. TAVENNER. Did you attend the meeting addressed by the Communist Party regional director?

Dr. HAWKINS. Mr. Barry?

Mr. TAVENNER. Yes.

Dr. HAWKINS. Yes, sir. I was very careful to attend that meeting.

Mr. TAVENNER. What was the subject of his address, if you recall?

Dr. HAWKINS. Everything. He talked about his position with respect to the Communist Party as a whole. He said things which, in terms of my earlier background, sounded pretty familiar. That is, he outlined the idea of this international working-class movement, and so on. Then he very strongly defended the present position—



as of that time—not only of the American Communist Party but also of all other Communist Parties. He was questioned rather carefully and rather hostilely by the audience with reference to, I remember particularly, the invasion of Czechoslovakia, and he had no light to throw on that other than that quoted by the Russian press.

Mr. TAVENNER. Do you recall the subject of his address?

Dr. HAWKINS. The title?

Mr. TAVENNER. Yes.

Dr. HAWKINS. No; I don't.

Mr. TAVENNER. Was it "Force and Violence"?

Dr. HAWKINS. It may have been. I don't know. I would think that would be a rather surprising title, but I am not sure.

Mr. TAVENNER. I have a photostatic reproduction of the Pink Buffalo, a publication of the Marxist Study Group, announcing that Art Barry, regional director of the Communist Party, would be a speaker on Force and Violence at a meeting on November 18. Is that the meeting to which you refer?

Dr. HAWKINS. Yes.

Mr. VELDE. What year was that?

Mr. TAVENNER. What year was that?

Dr. HAWKINS. I think 1948 or 1949. I think you have just stated the year.

Mr. TAVENNER. No; the photostat doesn't show the year.

Dr. HAWKINS. I could probably reconstruct the date. It was in the summertime.

Mr. FANELLI. Will you ask whether the Pink Buffalo was a serious publication?

Mr. VELDE. The committee has a rule that the counsel may confer with the witness, but may not ask any questions.

Mr. FANELLI. I beg your pardon. I will withdraw the request.

Mr. TAVENNER. Who was Herbert J. Phillips?

Dr. HAWKINS. Mr. Phillips was a man who had been fired from the University of Washington because of past or present, I forget which, Communist Party membership; present, I think.

Mr. TAVENNER. Was he also one of the speakers before this Marxist Study Group?

Dr. HAWKINS. Yes, sir.

Mr. TAVENNER. Was he connected with the University of Colorado in any manner?

Dr. HAWKINS. I believe he was one of the guest speakers of the Marxist Study Group.

Mr. TAVENNER. But did he have any position, or was he attached in any way to the faculty of the University of Colorado?

Dr. HAWKINS. Definitely not.

Mr. TAVENNER. How were his expenses paid?

Dr. HAWKINS. I don't think they were, but I don't know. I believe he was passing through Denver at the time.

Mr. TAVENNER. Are you a member of the American Association of Scientific Workers?

Dr. HAWKINS. I am a member, perhaps, in this sense: That last year I sent them the amount of 1 years' membership.

Mr. TAVENNER. Are you also a member of the Committee for the First Amendment?

Dr. HAWKINS. This name doesn't bring any recollections. Oh, yes. There is a student group on the campus of the university which

has this name. I attended one or two of the meetings. I am not a member that I know of. I don't know what membership in this group consists of, but I was certainly one of the persons consulted by various students when they formed this group, and I went to a couple of their meetings.

Mr. TAVENNER. Was it patterned and formed after the National Committee for the First Amendment?

Dr. HAWKINS. I don't believe it was. I believe that was a purely spontaneous local group.

Mr. TAVENNER. Did the American Association of Scientific Workers, the Committee for the First Amendment, and the Young Progressives organization sponsor the meeting at which you spoke against the Mundt-Nixon bill?

Dr. HAWKINS. I am not certain who sponsored that meeting. I seem to recollect it to have been the Committee for the First Amendment, but I doubt very much it would have been the Marxist Study Group, because I was making every effort to keep that group a study group.

Mr. TAVENNER. I desire to ask you who were the members of the Merriman branch or campus branch of the Communist Party at the University of California at the time you were there?

Dr. HAWKINS. You desire to ask me now?

Mr. TAVENNER. Yes.

Dr. HAWKINS. In the first place, I have a very, very hazy recollection of the membership of that branch. I at this point think I would have great difficulty in giving the membership of it or a substantial part of the membership.

Mr. TAVENNER. I can understand you would be in doubt about the names of all of them. I am only asking for the names of those you can definitely identify as members.

Dr. HAWKINS. My knowledge of that branch is limited to the period when I first joined the Communist Party. I think the people I might name are not now Communists and are good, law-abiding, and patriotic citizens, and I feel I must take toward this question the same position I have taken with respect to questions about certain individuals.

Mr. TAVENNER. In other words, you desire to take upon yourself the responsibility of determining whether or not these individuals are law-abiding citizens, and are unwilling to leave that determination to arms of the Government which have the duty upon them to investigate such matters?

Dr. HAWKINS. As I said before, my attitude on this matter is dependent on my present state of knowledge and belief, but in view of my present knowledge and belief that is the position I feel I must take.

Mr. TAVENNER. And for those reasons you decline to answer the question?

Dr. HAWKINS. I would take the same position with reference to this question as I have taken with respect to other questions.

Mr. TAVENNER. I ask you to tell the committee the names of the members of the professional branch of the Communist Party in San Francisco from the fall of 1941 to 1943.

Dr. HAWKINS. And with respect to this question I must take the same position.

Mr. VELDE. Will you state your reason, again, for refusing to answer?

Dr. HAWKINS. Yes, sir. I have conferred with counsel. I know of nothing connecting any persons in that group with espionage or any other criminal activity. Beyond that, with respect to those persons I am unwilling to testify. If you insist on more, I must respectfully decline to answer; and, in doing so, I claim, on advice of my counsel, all legal and constitutional rights that I may have, including the protection of the first amendment.

Mr. VELDE. You were merely asked to give the names of the members of the Communist Party cell. You were not asked whether espionage was involved.

Dr. HAWKINS. No, sir; but I understand that to be the reason for your committee's investigations.

Mr. VELDE. Do you take the position that your answer to that question as to the members of the San Francisco cell might in some manner incriminate you?

Dr. HAWKINS. No.

Mr. VELDE. Then you don't claim the privilege of refusing to testify on the ground of self-incrimination?

Dr. HAWKINS. No, sir.

Mr. FANELLI. I would like to have him read this again.

Mr. VELDE. You may consult with your counsel.

(Witness confers with his counsel.)

Dr. HAWKINS. I might read this part of my answer:

If you insist on more, I must respectfully decline to answer; and, in doing so, claim, on advice of my counsel, all legal and constitutional rights that I may have, including the protection of the first amendment.

Mr. VELDE. One of those rights is the constitutional guaranty against self-incrimination. Do you claim that as a reason for not answering the question as to the membership of the San Francisco cell?

Dr. HAWKINS. I have clearly not made this the major ground of my refusal. If I have rights under this provision of the Constitution, if I might in some way perhaps incriminate myself by my answers to these questions, then I would claim such rights.

Mr. TAVENNER. Let me ask you this question to determine what your views may be. You have given your reasons why you are reluctant to testify regarding the membership of certain individuals in the Communist Party cell of which you were a member, and you have suggested that that information be obtained from the individuals themselves. In the event that this committee should bring before it one of these individuals whose names you have refused to give, and that individual is asked the question whether he has at any time been a member of the Communist Party, and he refuses to answer, or he denies membership, would you then come back here and give a truthful answer to that question?

Mr. FANELLI. You are advised to answer that at that point you would consult with counsel.

Dr. HAWKINS. At that point I would consult with counsel.

Mr. TAVENNER. In other words, you refuse to state whether or not you would under those circumstances testify truthfully before this committee?

Dr. HAWKINS. I would in all cases testify truthfully.



Mr. TAVENNER. I did not mean to infer otherwise; but would you testify to the fact that the individual was a member of the Communist Party or not?

Dr. HAWKINS. In case he refused to testify?

Mr. TAVENNER. Yes.

Dr. HAWKINS. I haven't had to face this question. I would hesitate to give you a definite answer with respect to it. I believe that past membership in the Communist Party, membership in the period when I belonged to the Communist Party, is not only no crime, but I believe it falls within that sphere of which I spoke of certain fundamentals of trust that underlie American life. I feel that in the present situation, when we are faced with the necessity for unity in the defense of our common values, the publication of such information about such people injures them and injures their American community.

Mr. TAVENNER. I have no further questions.

Mr. VELDE. I would like to ask a few questions regarding your conversation with Dr. Joseph Weinberg. Did you know at the time you conversed with him the character of the work being done at the California Radiation Laboratory?

Dr. HAWKINS. No, sir.

Mr. VELDE. Did you subsequently find that out?

Dr. HAWKINS. When I was at Los Alamos the end of the war, I read the report on it. I did not know up to that time what had been going on, except I had learned in the course of discussions at Los Alamos in a general way that they had been working on problems of the separation of uranium isotopes.

Mr. VELDE. Did you know that Dr. Weinberg was working on something that was very secret?

Dr. HAWKINS. No, sir.

Mr. VELDE. Did you know after you got to Los Alamos that they were working on something very secret at that plant?

Dr. HAWKINS. At Los Alamos?

Mr. VELDE. Yes.

Dr. HAWKINS. I certainly did. I was impressed with that from the first. Until I got there I knew nothing about the nature of the job I was going to do.

Mr. VELDE. Did you at any time become a member of the Federation of Architects, Engineers, Chemists, and Technicians?

Dr. HAWKINS. I did not.

Mr. VELDE. Were you acquainted with Marcel Scherer?

Dr. HAWKINS. No, sir.

Mr. VELDE. You never heard of him?

Dr. HAWKINS. No.

Mr. VELDE. Were you acquainted with Haakon Chevalier?

Dr. HAWKINS. Yes.

Mr. VELDE. What was the nature of your acquaintance with Haakon Chevalier?

Dr. HAWKINS. Social.

Mr. VELDE. When did you meet him, to the best of your recollection?

Dr. HAWKINS. I met him in Berkeley in 1941 or 1942, I believe.

Mr. VELDE. Was it a party at which you met him?

Dr. HAWKINS. Very probably. I don't remember the circumstances. I don't know him well.

Mr. VELDE. How many times would you say you have been in his company?

Dr. HAWKINS. Something perhaps in the order of eight or a dozen times. I don't know.

Mr. VELDE. Were other people present during any of those times?

Dr. HAWKINS. Yes, sir; I think all of the occasions were social occasions.

Mr. VELDE. By "social occasions," just what do you mean?

Dr. HAWKINS. A party. I may also have met him on the campus and had a cup of coffee with him or something like that.

Mr. VELDE. A party where several met together and discussed events of the day?

Dr. HAWKINS. Talked.

Mr. VELDE. Did you ever discuss communism at any of those parties?

Dr. HAWKINS. I don't recall discussing communism. It is perfectly possible.

Mr. VELDE. Was Haakon Chevalier a member of the Communist Party?

Dr. HAWKINS. Not to my knowledge.

Mr. VELDE. You mentioned you went to Communist Party headquarters at San Francisco at least on one occasion. Do you recall where those headquarters were?

Dr. HAWKINS. At most on one occasion.

Mr. VELDE. At most on one occasion?

Dr. HAWKINS. Yes; at least and at most.

Mr. VELDE. Was it on H Street or on Market Street?

Dr. HAWKINS. I don't know. H Street sounds familiar to me.

Mr. VELDE. Was it a tall building?

Dr. HAWKINS. As I recall, it was an old, dilapidated building of some kind.

Mr. VELDE. Did you ever go to the Communist Party headquarters in Oakland?

Dr. HAWKINS. I believe I didn't.

Mr. VELDE. You are not sure that you did not?

Dr. HAWKINS. I am pretty sure. I think I would have recalled that in the same way I recall the visit to the San Francisco headquarters.

Mr. VELDE. Did you become acquainted with Paul Robeson?

Dr. HAWKINS. No, sir.

Mr. VELDE. Did you ever attend a meeting where Paul Robeson spoke?

Dr. HAWKINS. I heard him speak and sing on several occasions; mostly sing.

Mr. VELDE. And you have never attended any party with Paul Robeson?

Dr. HAWKINS. I have a very vague memory of being at some very big affair in San Francisco, presumably after a concert, and that is all I recollect. I don't recollect where it was.

Mr. VELDE. You have no idea where that affair was?

Dr. HAWKINS. No, sir.

Mr. VELDE. Was it in someone's private home?

Dr. HAWKINS. I don't remember that. I know it was a very large affair, I would say at least 100 or more persons. Whether it was in a hotel or private home, I don't recall.

Mr. VELDE. And you have never shaken hands with Paul Robeson or met him in that way?

Dr. HAWKINS. No, sir.

Mr. VELDE. Do you know whether or not he was a member of the Communist Party?

Dr. HAWKINS. No, sir.

Mr. VELDE. Your wife's name is Frances?

Dr. HAWKINS. Yes.

Mr. VELDE. Does she have a sister Julia Sloan?

Dr. HAWKINS. She has a sister-in-law, Julia Sloan; my sister.

Mr. VELDE. Your sister is Julia Sloan?

Dr. HAWKINS. Yes.

Mr. VELDE. Has Julia Sloan ever been a member of the Communist Party?

Dr. HAWKINS. I believe not.

Mr. VELDE. Can you state definitely that she was not a member of the Communist Party?

Dr. HAWKINS. I could state it pretty definitely. I don't know the answer to that question, to be absolutely sure, about anyone.

Mr. VELDE. You of course are acquainted with her husband, William Sloan?

Dr. HAWKINS. Yes.

Mr. VELDE. Was William Sloan ever a member of the Communist Party?

Dr. HAWKINS. I believe not.

Mr. VELDE. Did William Sloan ever attend any Communist Party meetings with you?

Dr. HAWKINS. No.

Mr. VELDE. Did Julia Sloan ever attend any Communist Party meetings with you?

Dr. HAWKINS. No, sir.

Mr. VELDE. Are you acquainted with Paul Crouch?

Dr. HAWKINS. No, sir.

Mr. VELDE. Or Sylvia Crouch, his wife?

Dr. HAWKINS. No.

Mr. VELDE. Are you acquainted with Al Flanagan?

Dr. HAWKINS. I recollect the name. I can't place the name at the moment.

Mr. VELDE. This Marxist group that you mentioned you sponsored at the University of Colorado, was that a local group at that institution, or were there other similar groups throughout the country?

Dr. HAWKINS. Purely local, as far as I know.

Mr. VELDE. Is that organization still in operation?

Dr. HAWKINS. No, sir.

Mr. VELDE. When was it abandoned?

Dr. HAWKINS. It died of attrition in the last school year.

Mr. VELDE. How long a time were you the sponsor of that organization?

Dr. HAWKINS. I think for a year, probably.

Mr. VELDE. About how many meetings during that year did you attend of the Marxist group?

Dr. HAWKINS. Three or four or five, maybe.

Mr. VELDE. Were any of the members of the Marxist group members of the Communist Party?

Dr. HAWKINS. Not to my knowledge.

Mr. VELDE. Were any of them members of the American Youth for Democracy, or anything of that kind?



Dr. HAWKINS. Not to my knowledge.

Mr. VELDE. That is all.

Mr. TAVENNER. Mr. Chairman, I have a few more questions that I would like to ask.

Mr. VELDE. Proceed.

Mr. TAVENNER. Were you acquainted with Harold Chapman Brown?

Dr. HAWKINS. Yes, sir. He was a professor of mine.

Mr. TAVENNER. Where?

Dr. HAWKINS. At Stanford University.

Mr. TAVENNER. Did you ever sit in a Communist Party meeting with him?

Dr. HAWKINS. To that question I must give the same response I gave before. I refuse to answer.

Mr. TAVENNER. In the professional branch of the Communist Party in San Francisco, did you meet a person by the name of Walter McElroy?

Dr. HAWKINS. Not to my knowledge.

Mr. TAVENNER. Were you acquainted with Walter McElroy?

Dr. HAWKINS. No, sir.

Mr. TAVENNER. Were you at any time acquainted with Walter Herrick?

Dr. HAWKINS. No.

Mr. TAVENNER. Velda Johnson?

Dr. HAWKINS. No, sir.

Mr. TAVENNER. I asked you earlier in your testimony about your acquaintanceship with Robert R. Davis.

Dr. HAWKINS. Yes, sir.

Mr. TAVENNER. Was Robert R. Davis a member of the Communist Party to your knowledge?

Dr. HAWKINS. Not to my knowledge at the time, sir.

Mr. TAVENNER. What do you mean by that?

Dr. HAWKINS. I mean that recently I have learned that he has testified to the fact he was at one time a member of the Communist Party. That was not known to me.

Mr. VELDE. Are you acquainted with Alexander Saxton?

Dr. HAWKINS. No.

Mr. VELDE. Or his brother, Mark Saxton?

Dr. HAWKINS. No.

Mr. VELDE. That is all.

The subcommittee stands at recess until 7 o'clock tonight.

(Thereupon, at 4:45 p. m., a recess was taken until 7 p. m. of the same day.)

#### EVENING SESSION

(The hearing was resumed at 7 p. m., Hon. Burr P. Harrison presiding, and Hon. Harold H. Velde also being present.)

Mr. HARRISON. Raise your right hand, please. Do you solemnly swear that in the testimony you are about to give you will speak the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. HAWKINS. I do.

**TESTIMONY OF FRANCES POCKMAN HAWKINS, ACCOMPANIED  
BY COUNSEL, JOSEPH A. FANELLI**

Mr. TAVENNER. Will you state your full name, please?

Mrs. HAWKINS. Frances Pockman Hawkins.

Mr. TAVENNER. Are you represented by counsel?

Mrs. HAWKINS. Yes; I am.

Mr. TAVENNER. Will counsel identify himself for the record, please?

Mr. FANELLI. Yes, sir. Joseph A. Fanelli. I am a member of the District of Columbia bar and maintain offices at 929 Fifteenth Street NW., in Washington.

Mr. TAVENNER. Mrs. Hawkins, when and where were you born?

Mrs. HAWKINS. San Francisco, May 6, 1913.

Mr. TAVENNER. Are you the wife of Dr. David Hawkins?

Mrs. HAWKINS. I am.

Mr. TAVENNER. Will you please outline briefly your educational background?

Mrs. HAWKINS. I have an A. B. in education from Stanford University. I transferred as an undergraduate, UCLA Junior College and San Francisco State Teachers College, and after getting my A. B. I went back to San Francisco State Teachers College and took graduate work in kindergarten or primary education, which Stanford did not give.

Mr. TAVENNER. Will you state your employment background, please?

Mrs. HAWKINS. I was a substitute teacher in San Francisco for about a year and a half.

Mr. TAVENNER. When was that?

Mrs. HAWKINS. I received my teacher's certificate I believe in January of 1936, December 1935, or January 1936, and I started teaching immediately as a substitute, and remained a substitute for a year and a half. I think that is correct. Then I was a probationary teacher for 3 years, making 4½ years of teaching in San Francisco. Then I stopped teaching in San Francisco.

Mr. VELDE. When did you stop teaching in San Francisco?

Mrs. HAWKINS. May or June 1940.

I taught nursery school at Los Alamos in 1943 for about 5 months, until they could get somebody to do the job. That is, I did it because there wasn't anybody there, and I told them when they got somebody I would quit, since I had a small child.

Mr. TAVENNER. Did you have any other employment before you went to Los Alamos?

Mrs. HAWKINS. No. I was in the hospital the summer after I stopped teaching in San Francisco, and I had a baby the following year.

I bound some books in the library at Los Alamos off and on when something was falling apart for a period of about 9 months. That would have been the fall of 1944 or spring of 1945. Other than that, when we lived here in Washington in, I guess it was 1945 to 1946, I was secretary for about 6 months to a nursery school here where our child was going. And I think I substituted 3 days in Boulder, Colo.

Mr. VELDE. Where did you live in Washington?

Mrs. HAWKINS. On Rhode Island; 1721 Rhode Island, I believe.

Mr. TAVENNER. Is that all of your employment record?

Mrs. HAWKINS. I think that is all. I am trying to remember if I did any other substituting, but I don't think so.

Mr. TAVENNER. Are you now or have you ever been a member of the Communist Party?

Mrs. HAWKINS. I am not now. I was a member of the Communist Party.

Mr. HARRISON. When did you get out, Mrs. Hawkins?

Mrs. HAWKINS. In the spring of 1943.

Mr. HARRISON. What do you think about it now?

Mrs. HAWKINS. Pretty much what most Americans think about it, I guess.

Mr. HARRISON. You regard it as a menace to the safety of our country at the moment, do you?

Mrs. HAWKINS. Yes, I do.

Mr. HARRISON. Proceed, Mr. Counsel.

Mr. TAVENNER. Will you tell the committee the circumstances under which you became a member of the party?

Mrs. HAWKINS. I was teaching in the San Francisco School Department. This was during the depression. I was teaching 5-year olds, and it wasn't a very pleasant thing day by day to see what I saw. I know it sounds sentimental.

Mr. TAVENNER. What year was that?

Mrs. HAWKINS. This was 1938. One did what one could, any good teacher did, to alleviate the immediate things of hungry kids and cold kids and so on, but don't ask me why I should turn toward this rather than other teachers who were probably as good as I who didn't, but I did feel that in addition to the things that both my husband and I held in common, this was one force we felt was fighting fascism. In my particular situation I went every day and faced 60 kids, 30 in the morning and 30 in the afternoon, and it was not pleasant and it was not happy, and I wasn't happy, and I did this specifically as something that I felt might get further toward changing this situation where kids like this that I met every day were hungry and cold.

Mr. HARRISON. Were you married then?

Mrs. HAWKINS. Yes; I was.

Mr. HARRISON. You and your husband joined the party together?

Mrs. HAWKINS. I don't remember exactly.

Mr. TAVENNER. Who recruited you into the Communist Party?

Mrs. HAWKINS. I couldn't say whether I was really recruited or not. At that time, if you remember, it was a time when there were many benefits given for Spain, and I know it sounds silly, but I just don't remember the circumstances under which I joined.

Mr. TAVENNER. To whom did you report when you joined the Communist Party?

Mrs. HAWKINS. I remember going to a particular person who somehow I must have known was a member of the Communist Party, and saying that I would like to join.

Mr. TAVENNER. Who was that person?

Mrs. HAWKINS. That is very hard for me to be able to say to you, because this was someone who was just an ordinary teacher.

Mr. TAVENNER. At what school?

Mrs. HAWKINS. I don't even remember at what school she taught. She was not a personal friend.



Mr. TAVENNER. Did she hold an official position in the Communist Party?

Mrs. HAWKINS. Not to my knowledge.

Mr. TAVENNER. But she was a member of the Communist Party?

Mrs. HAWKINS. Yes.

Mr. TAVENNER. Did she give you advice about joining the party?

Mrs. HAWKINS. Yes.

Mr. TAVENNER. Then what did you do?

Mrs. HAWKINS. She told me when a group of people would meet and invited me to come.

Mr. TAVENNER. Did that group of people have a name as a branch or cell of the Communist Party?

Mrs. HAWKINS. Not specifically. I think it was known as a teachers' group.

Mr. TAVENNER. That was in San Francisco?

Mrs. HAWKINS. Yes.

Mr. TAVENNER. In 1938?

Mrs. HAWKINS. Yes.

Mr. TAVENNER. Who were the officers of that organization?

Mrs. HAWKINS. It was a very small group and there was no set-up of officers in it as I remember.

Mr. TAVENNER. How many were in the group?

Mrs. HAWKINS. I would say it varied—six, seven, eight; it was a small group.

Mr. TAVENNER. What were their names?

Mrs. HAWKINS. I wish you wouldn't ask me that question.

Mr. HARRISON. Mrs. Hawkins, some of those people, like you, who joined the Communist Party at that time, were soon disillusioned and got out of it. Others perhaps didn't, and remained in an organization which you have described here tonight as a menace to the safety of our country. We are holding these closed hearings, from which newspaper people have been barred, so that we may have the opportunity to give further consideration to any names you may give in determining which of those names may be released for publication. That is the reason we have held these hearings all day behind closed doors, so that we may evaluate the testimony. You don't like to give the names of these people; and, on the other hand, the safety of our country is important.

Mrs. HAWKINS. That is right.

Mr. HARRISON. That is the reason we have closed hearings, so that we may evaluate the testimony and see which of those names should be released and which should not. Therefore, I want to ask that you cooperate with us and rely on us not to vilify these people unnecessarily, which we are not going to do.

Mrs. HAWKINS. I appreciate your talking to me that way. If this group were a large group in which I had any doubt as to the basic loyalty and integrity of these people, then I would certainly have to answer with those names.

Mr. HARRISON. Some of the people that come before us are the nicest people you ever saw; they are some of the most pleasant people, and we have had experiences that would astound you. I again assure you we are not going to do anything to those people. We are not going to injure their reputations. But I must ask that you cooperate with us and not withhold information. Where people have been in

the Communist Party and got out, we don't do anything to them. We didn't bring you all the way across the country for nothing. There are matters in which we think you could aid us, and I do most earnestly ask for your cooperation.

Mrs. HAWKINS. I certainly do want to give my cooperation, Mr. Harrison, and I can only say that any reluctance I have in this is one which is very carefully weighed, and one which has certainly been thought out along the lines you have outlined.

Mr. HARRISON. You mean you are certain they are now out of the party?

Mrs. HAWKINS. I am absolutely certain that these people—well, it is as if, if I doubted their loyalty I would doubt mine, and that is impossible, because I know where mine lies.

Mr. HARRISON. You will find among Communist Party members people you least suspect who were once in the Communist Party and who now make up the espionage organization of the party.

Mrs. HAWKINS. I think that is true of a great many of them. I think this particular group to which I belonged probably was unique by the things we did and the beliefs we held, and this is something I have learned since: that this was not true of many, many Communist groups. I am sure we were scorned by the Communists at that time. Open party members came and talked to us.

Mr. VELDE. You wish to put your judgment as to the danger the members of this particular group might be to our internal security above the judgment of this committee and its staff?

Mrs. HAWKINS. That is putting it in a very strong way, and I wouldn't like to quite put it that way. I would like rather to put it that there are some places where one has to rely upon one's private evaluation in our country.

Mr. VELDE. You are relying on your own evaluation?

Mrs. HAWKINS. In this rather narrow field, yes.

Mr. VELDE. Is that the only reason you have for refusing to answer the question put to you?

Mrs. HAWKINS. I am not quite clear what other reason I could have.

Mr. VELDE. Do you refuse to tell us who were associated with you in your branch of the Communist Party?

Mrs. HAWKINS. If you finally make me do this, then I will have to consult with counsel.

Mr. HARRISON. You have a right to consult with counsel any time you want. You may consult with him now.

Mr. FANELLI. I don't think we need such consultation in view of her position. There is no use in our conferring. Will you ask the question, and she will answer it.

Mr. HARRISON. The question has been asked. She was asked who were the members of the Communist Party in the cell with her.

Mrs. HAWKINS. I have conferred with counsel. I know of nothing connecting any persons in that group with espionage or any other criminal activity. Beyond that, as to those persons, I am unwilling to testify. If you insist on an answer, I must respectfully decline to answer; and, in doing so, claim, on advice of counsel, all legal and constitutional rights that I may have, including the protection of the first amendment.

Mr. HARRISON. Do you desire to question the witness further, Mr. Counsel?

Mr. TAVENNER. Yes, sir. There are several questions I would like to ask her.

Mr. HARRISON. Proceed.

Mr. TAVENNER. How long did you remain a member of that Communist Party group?

Mrs. HAWKINS. I remained a member of that group until 1940. During the year 1939-40—that is, the academic year in which I was teaching—I was not well and was not very active in the group.

Mr. TAVENNER. In 1940, were you transferred to another group of the Communist Party?

Mrs. HAWKINS. In 1940 we went to Palo Alto. That was the first job my husband had had. We remained there a year.

Mr. TAVENNER. Did you unite with the same Communist Party group that he was a member of at this place?

Mrs. HAWKINS. I was ill most of that year, and I have no recollection of any formal affiliation. I think I could say that I probably attended two or three meetings; but, again, I was not physically doing very much of anything.

Mr. TAVENNER. What was the name of the branch of the Communist Party there?

Mrs. HAWKINS. I don't remember.

Mr. TAVENNER. When you left Palo Alto, were you transferred to another group of the Communist Party?

Mrs. HAWKINS. We left Palo Alto a couple months before our child was born, and I had very little association with the Communist Party in the following year when we were partly in San Francisco, and then moved to Berkeley for the new baby.

Mr. TAVENNER. Did you attend any Communist Party meetings in Berkeley?

Mrs. HAWKINS. Again I would say it is possible I attended two or three. I have no clear recollection of affiliating with a particular group.

Mr. TAVENNER. Where did you attend the party meetings that you attended in Berkeley? Where were they held?

Mrs. HAWKINS. The only memory I have of where such a meeting would have been held is there are two or three vague places in my mind; nobody I knew.

Mr. TAVENNER. You knew the persons who were present at those meetings; didn't you?

Mrs. HAWKINS. No. As a matter of fact, I didn't.

Mr. TAVENNER. You did not know any of them?

Mrs. HAWKINS. At this same time there were two outside things that I remember doing.

Mr. FANELLI. You didn't answer the question. He asked if you knew any of them?

Mrs. HAWKINS. No; I didn't.

Mr. HARRISON. You cannot recall any of them?

Mrs. HAWKINS. I cannot recall just what this association was, because it was so very infrequent.

Mr. HARRISON. Did your husband attend those meetings with you?

Mrs. HAWKINS. I doubt it very much.

Mr. HARRISON. So, you do not know where the meetings were held or the names of any persons who attended the meetings?



Mrs. HAWKINS. That is true, partly because I could not at this time distinguish between what would have been a party meeting and what would have been—and this is the activity I was going to mention when I got off the subject—there were activities for Spain going on at the same time.

Mr. TAVENNER. This, you recall, was in the fall of 1941 when you went back to Berkeley, or even later.

Mrs. HAWKINS. That is right.

Mr. TAVENNER. Were activities for Spain going on at that time?

Mrs. HAWKINS. Yes; I remember very well December 7, 1941.

Mr. TAVENNER. What identity did you have as a Communist Party member that you carried with you?

Mrs. HAWKINS. None.

Mr. TAVENNER. Did you have a card?

Mrs. HAWKINS. No.

Mr. TAVENNER. Did you at any time use half or part of a dollar bill that had a particular identification, in fact, the serial number of T-867050?

Mrs. HAWKINS. Absolutely not, to my memory.

Mr. TAVENNER. You never did carry part of a dollar bill as identification?

Mrs. HAWKINS. No.

Mr. TAVENNER. Did you become acquainted with Steve Nelson?

Mrs. HAWKINS. No.

Mr. TAVENNER. Did you become acquainted with Dr. Joseph Weinberg?

Mrs. HAWKINS. No.

Mr. HARRISON. You don't know him?

Mrs. HAWKINS. I don't know him.

Mr. TAVENNER. Did you become acquainted with Bernadette Doyle?

Mrs. HAWKINS. Not to my knowledge. This is a name that I have a feeling that I have heard it, but certainly it doesn't—

Mr. HARRISON. She got 500,000 votes as a candidate for office in your State.

Mr. TAVENNER. Did you become acquainted with Louise Bransten?

Mrs. HAWKINS. No.

Mr. TAVENNER. I have no further questions.

Mr. HARRISON. You were in the Communist Party at Berkeley through the war; were you not?

Mrs. HAWKINS. No. What do you mean, "through the war"?

Mr. HARRISON. During the time this country was in war, 1942 and 1943.

Mrs. HAWKINS. We were in Berkeley, and I was still a member of the Communist Party. I was not an active member, and I was not a very satisfied member.

Mr. HARRISON. And you can't recall the names of anyone associated in the party with you during this period?

Mrs. HAWKINS. No; I can't.

Mr. VELDE. But you can recall the names of those associated with you in the San Francisco group?

Mrs. HAWKINS. Yes.

Mr. VELDE. And that was before you were in Berkeley?

Mrs. HAWKINS. Yes, but I was actually associated with that group, while I was so little associated with the group in Berkeley that no group associates in my mind.

Mr. VELDE. You attended meetings of your group regularly in San Francisco?

Mrs. HAWKINS. When I was well, yes.

Mr. VELDE. Do you recall where they met?

Mrs. HAWKINS. Yes; they met at one of the member's house.

Mr. VELDE. One particular member all the time?

Mrs. HAWKINS. No; not all the time.

Mr. VELDE. You would go from member to member; is that right?

Mrs. HAWKINS. Quite often; yes.

Mr. VELDE. Have you ever been in the Communist Party headquarters in San Francisco?

Mrs. HAWKINS. I think I was there once.

Mr. VELDE. Whom did you see there?

Mrs. HAWKINS. I couldn't say who I saw there, because I don't remember.

Mr. VELDE. Where were the headquarters; do you remember?

Mrs. HAWKINS. I happen to remember the number because it was the same as my own house number, 121 something.

Mr. VELDE. H Street?

Mrs. HAWKINS. I think so.

Mr. VELDE. Did you ever go to the Communist Party headquarters on Market Street in San Francisco?

Mrs. HAWKINS. No.

Mr. VELDE. Do you know what the occasion was for visiting the headquarters on H Street in San Francisco?

Mrs. HAWKINS. This is a surmise. Do you want it? I think it was an open meeting at which, I can't say what was discussed, but it was some kind of open meeting where they wanted a representative of our group to attend.

Mr. VELDE. Do you remember anyone who was there at all?

Mrs. HAWKINS. No.

Mr. VELDE. Are you acquainted with Kenneth May?

Mrs. HAWKINS. Yes.

Mr. VELDE. Was he a member of the Communist Party?

Mrs. HAWKINS. I don't know.

Mr. VELDE. How long has it been since you have seen Kenneth May?

Mrs. HAWKINS. He visited us in Washington one afternoon when he was here for some meetings.

Mr. VELDE. That was when you were here living on Rhode Island Avenue?

Mrs. HAWKINS. That is right.

Mr. VELDE. Have you seen him since you have been here this time?

Mrs. HAWKINS. No.

Mr. VELDE. Do you know if your husband has seen him?

Mrs. HAWKINS. I would wonder how he had.

Mr. VELDE. Have you talked with him since you have been here?

Mrs. HAWKINS. With whom?

Mr. VELDE. With Kenneth May.

Mrs. HAWKINS. Certainly not. I have not seen him.

Mr. VELDE. You don't know who he is at all?

Mrs. HAWKINS. Yes, I do.

Mr. VELDE. Are you acquainted with him?

Mrs. HAWKINS. Yes. I said I was acquainted with him.

Mr. VELDE. I am sorry. But you said you didn't know whether he was a member of the Communist Party?

Mrs. HAWKINS. I do not.

Mr. VELDE. Did you ever attend Communist Party meetings with him?

Mrs. HAWKINS. No.

Mr. VELDE. I think that is all.

Mr. HARRISON. Were you in the same cell of the Communist Party at Berkeley as Dr. Hawkins?

Mrs. HAWKINS. As I said to Mr. Tavenner, I doubt very much that he ever accompanied me to one of these few meetings that I went to. I certainly never had any contact with any specific group that I remember.

Mr. HARRISON. Thank you.

Mr. FANELLI. I take it the witnesses are finally excused?

Mr. TAVENNER. Yes, sir.

Mr. HARRISON. Will you hold up your right hand, please? Do you solemnly swear that in the evidence you give before this subcommittee you shall speak the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SAXTON. I do.

#### TESTIMONY OF ALEXANDER PLAISTED SAXTON

Mr. TAVENNER. What is your full name?

Mr. SAXTON. Alexander Plaisted Saxton.

Mr. TAVENNER. When and where were you born?

Mr. SAXTON. July 16, 1919, Great Barrington, Mass.

Mr. TAVENNER. Will you briefly outline your educational background?

Mr. SAXTON. Yes. I went to grade school at Friends' Seminary School, New York City; high school at Phillips Exeter Academy.

Mr. TAVENNER. When did you enter that school?

Mr. SAXTON. I graduated in 1936. I must have entered 3 years before that, 1933. Then I went to Harvard University, and transferred to the University of Chicago, from which I graduated in 1940.

Mr. TAVENNER. Will you outline briefly your employment record since completing your work at college?

Mr. SAXTON. Well, I think I am going to decline to answer that question.

Mr. HARRISON. What was that question?

Mr. TAVENNER. To outline briefly his work record and background since leaving college.

Mr. SAXTON. Let me say first that my primary work has been as a writer. I have written two books which have both been published.

Mr. TAVENNER. What are the names of those books?

Mr. SAXTON. Grand Crossing and The Great Midland.

Mr. HARRISON. Did you ever work for the Government of the United States?

Mr. SAXTON. In a sense I worked for the Government of the United States. I went through Maritime Service Training School.



Mr. HARRISON. Maritime Service Training School?

Mr. SAXTON. That is right.

Mr. HARRISON. Were you employed by the Government of the United States in any other capacity at any time?

Mr. SAXTON. Not to my knowledge.

Mr. HARRISON. And the question that you decline to answer is your employment record. Was that the question?

Mr. TAVENNER. Yes.

Mr. HARRISON. Why do you decline to answer that?

Mr. SAXTON. Under the fifth amendment to the Constitution. I have a prepared statement of my reasons. Shall I read that to the committee, or shall I merely submit it to the committee?

Mr. HARRISON. May I see it?

Mr. SAXTON. Certainly [handing statement to Mr. Harrison]. I think the legal phrase is on the ground that the answer might tend to incriminate the witness.

Mr. HARRISON. No one has asked you what your political affiliations are.

The statement will be filed with the record.

(The statement above referred to is as follows:)

I have determined that there are certain questions which I must decline to answer before this committee. The questions I refer to are questions such as, "What are your political opinions?" "What are your political affiliations?" "Are you or have you ever been a member of the Communist Party?" And I refer also to any questions which in my judgment may tend to create a pattern or to imply an indirect answer to any of the foregoing questions.

These questions are, in my opinion, loaded questions. I believe that they are asked solely for the purpose of preparing a legal technicality by means of which persons who have committed no crime of any kind, may be—and have been—sent to prison.

It is obvious from the record of this committee that legal snares of this sort have been reserved for persons who vigorously exercised their rights under the first amendment of the Constitution to hold and to express opinions; and to express opinions which might run contrary to opinions held by members of this committee.

I am a writer—not a lawyer. But I am convinced that questions such as these constitute a kind of conspiracy on the part of this committee to destroy the first amendment to the Constitution of the United States, by means of fear and intimidation visited upon law-abiding citizens.

I base my declination to answer on the fifth amendment of the Constitution—on the grounds that to answer such questions may tend to incriminate me.

Let me state for the record that I use the word "incriminate" solely in its legal sense.

The fact is that an honest witness before this committee has no alternative but to decline to answer such questions.

To answer in the negative might well place a witness in danger of indictment for perjury on the basis of testimony by that chamber of professional stool-pigeons and perjurers which certain departments of the Federal Government now maintain at taxpayers' expense.

And on the other hand, to answer in the affirmative would place a witness in danger of criminal prosecution under the McCarran Act or the Smith Act—infamous pieces of legislation, destructive of civil rights, contrary to every principle and precept of Americanism.

For the foregoing reasons I decline to answer such questions. I hope that my conduct before this committee may make some slight contribution toward the defense of the hard-won, and today hard-pressed, civil liberties of the American people.

Mr. HARRISON. Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Saxton, have you at any time applied for a passport to travel in foreign countries?

Mr. SAXTON. Well, when I was about 5 years old I made a trip with my mother to France and Italy. I guess I had a passport.

Mr. HARRISON. Have you had one since?

Mr. SAXTON. I had a seaman's passport.

Mr. TAVENNER. When was that?

Mr. SAXTON. That was during the war.

Mr. TAVENNER. You were in the merchant marine?

Mr. SAXTON. I was.

Mr. TAVENNER. What were the names of the ships and the destinations?

Mr. SAXTON. I couldn't give that from memory. I would have to look that up on my discharge records.

Mr. TAVENNER. Will you give those you do remember?

Mr. SAXTON. I remember making trips to England, France, South America, and the Pacific.

Mr. TAVENNER. What were the ships on which you traveled, as nearly as you can recall?

Mr. SAXTON. One I recall was the *Abel Parker Upshur*. The others, I am afraid I don't remember. You went on ships by the number, generally, and didn't pay attention to the names. If you want the information I will be glad to send it to you when I get home. I have my discharge papers.

Mr. TAVENNER. Did you know an individual by the name of Dennis Bijot?

Mr. SAXTON. Well, I shall decline to answer that question on the same grounds as the other, on the same grounds listed in the statement that I submitted.

Mr. TAVENNER. Do you know an individual by the name of Harry Carlyle?

Mr. SAXTON. I am going to decline to answer that question on the same ground. Perhaps it would save the time of the committee to state that questions as to individuals I may or may not have known, I will answer on this same basis.

Mr. HARRISON. Regardless of who the individual is?

Mr. SAXTON. Regardless of who the individual is.

Mr. HARRISON. That is all. Stand aside.

The hearing is adjourned until tomorrow morning at 10:30.

(Thereupon, at 7:55 p. m., a recess was taken until Thursday, December 21, 1950, at 10:30 a. m.)

HEARINGS REGARDING COMMUNIST INFILTRATION OF  
RADIATION LABORATORY AND ATOMIC BOMB PROJECT  
AT THE UNIVERSITY OF CALIFORNIA, BERKELEY,  
CALIF.—VOLUME 3

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THURSDAY, DECEMBER 21, 1950

UNITED STATES HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE  
COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

PUBLIC HEARING

A subcommittee of one of the Committee on Un-American Activities met pursuant to call at 12:35 p. m. in room 226, Old House Office Building, Hon. Harold H. Velde presiding.

Committee member present: Hon. Harold H. Velde.

Staff members present: Frank S. Tavenner, Jr., counsel; and Donald T. Appell, investigator.

Mr. VELDE. Proceed, Mr. Counsel. The witness has been sworn.<sup>1</sup>

TESTIMONY OF MARY BERNADETTE DOYLE, ACCOMPANIED BY  
COUNSEL, DAVID REIN

Mr. TAVENNER. Will you state your full name, please?

Miss DOYLE. My name is Mary Bernadette Doyle.

Mr. TAVENNER. Mary Bernadette Doyle?

Miss DOYLE. Yes.

Mr. TAVENNER. When and where were you born?

Miss DOYLE. I was born in San Jose, Calif., August 5, 1905.

Mr. TAVENNER. What is your present address?

Miss DOYLE. My present address is 1161 Fifth Street, San Diego, Calif.

Mr. TAVENNER. How are you presently employed?

Miss DOYLE. I am employed as an organizer.

Mr. TAVENNER. As an organizer of what organization?

Miss DOYLE. I decline to answer that question, Mr. Tavenner, on the basis of the fact that my answer may tend to incriminate me.

Mr. TAVENNER. Will you outline for the committee briefly your record of employment?

Miss DOYLE. I will outline it, Mr. Tavenner, roughly; and then, if the committee wants me to actually get exact dates, I will have to do it at a later time.

I started to work as a youngster of about 11, and I worked in canneries. Then for a couple years I worked in cafeterias in Los An-

<sup>1</sup> The witness was sworn during executive session preceding the public hearing that follows.



geles. Subsequent to that, I went to work for the Southern California Telephone Co., from 1933 until roughly 1937, or late 1936. For a couple years after that, I worked as a domestic worker, and then I went to work as an organizer, and I have been an organizer for, roughly, the last 11 years, except for the period when I was ill for about 3 years.

Mr. VELDE. Where were you employed as an organizer?

Miss DOYLE. You mean in what city, or for what organization?

Mr. VELDE. Where, in what city—where were your offices?

Miss DOYLE. May I consult my counsel on that?

Mr. VELDE. Certainly.

(Witness confers with her counsel.)

Miss DOYLE. In Oakland, Calif., and in San Diego, Calif.

Mr. VELDE. What years did you serve as organizer at Oakland, Calif.?

Miss DOYLE. I would like to make this roughly again; but, roughly, from 1940 to 1945.

Mr. VELDE. And then did you go to San Diego directly from Oakland?

Miss DOYLE. No; I didn't. I went to Los Angeles. I was ill for about 3 years.

Mr. VELDE. You were not an organizer during that time?

Miss DOYLE. No. There are medical records for that.

Mr. VELDE. And subsequent to your illness you became an organizer at San Diego; is that correct?

Miss DOYLE. That is correct.

Mr. VELDE. Proceed, Mr. Tavenner.

Mr. TAVENNER. While you were an organizer at Oakland, did you become acquainted with Paul Crouch?

Miss DOYLE. Mr. Velde, I decline to answer that question on the basis of the fact it might tend to incriminate me.

Mr. VELDE. How would it tend to incriminate you?

Miss DOYLE. As I understand it, Mr. Velde, it is not necessary for me to show you how I think a thing will incriminate me; and, since I have read hearings of this committee and newspaper reports where there have been leaks to the press and others, I would still refuse to answer that question on the basis of the tendency it might have to incriminate me.

Mr. TAVENNER. Where were you living prior to 1940? In 1940, I understand you became an organizer at Oakland.

Miss DOYLE. I was living in the area prior to 1940. I left Los Angeles in 1937, I believe.

Mr. TAVENNER. In 1939 were you living at Oakland?

Miss DOYLE. I would have to check my address. I was either in Oakland or in Berkeley.

Mr. TAVENNER. Where were you living when you became organizer in 1940?

Miss DOYLE. I was living in Berkeley.

Mr. TAVENNER. I show you a photographic reproduction of an article which appeared in the Daily People's World of Friday, October 8, 1948, entitled "Song of Bernadette," in which you are quoted as saying, "I joined the Communist Party in 1939." Will you examine that photographic copy? I point out to you the language that I quoted and ask you to examine it and state whether or not you were quoted correctly.

Miss DOYLE. Mr. Velde, I decline to answer that question on the basis of the fact that it might tend to incriminate me.

Mr. TAVENNER. I offer the photographic copy in evidence and ask that it be marked "Bernadette Doyle Exhibit No. 1."

Mr. VELDE. It will be admitted in evidence.

(The photographic copy of article above referred to, marked "Bernadette Doyle Exhibit No. 1," is filed herewith.)

Mr. TAVENNER. Were you ever a member of the Communist Party at any time?

Miss DOYLE. Mr. Velde, I would decline to answer that question because it might tend to incriminate me.

Mr. TAVENNER. Are you now a member of the Communist Party?

Miss DOYLE. Mr. Velde, I again will have to answer that in the same way; that I decline to answer it on the basis of the fact that it might tend to incriminate me.

Mr. TAVENNER. The Daily People's World of January 18, 1941, at page 5, refers to you as secretary of the Communist Party of Alameda County, Calif. Were you secretary of the Communist Party of Alameda County at that time?

Miss DOYLE. I decline to answer that question on the basis of the fact that my answer may tend to incriminate me.

Mr. TAVENNER. Mr. Paul Crouch, whose name I mentioned a few moments ago, testified before this committee on May 6, 1949, and stated:

I met Bernadette Doyle on numerous occasions and knew her very well. She was frequently called in by the State Bureau for consultations, and was used mostly as a liberal front for fund-raising campaigns.

Is that statement correct, or is it false, or do you have any explanation to make of it?

Miss DOYLE. I decline to answer that question on the basis of the fact my answer might tend to incriminate and degrade me.

Mr. TAVENNER. Were you at any time acquainted with Steve Nelson?

Miss DOYLE. I decline to answer that question on the basis of the fact that my answer might tend to incriminate me.

Mr. TAVENNER. Did you at any time visit the home of Dr. Joseph W. Weinberg at 2427 Blake Street, Berkeley, Calif.?

Miss DOYLE. I decline to answer that question on the basis of the fact that my answer might tend to incriminate me.

Mr. TAVENNER. Were you acquainted with Dr. Joseph W. Weinberg?

Miss DOYLE. Shall I make the full statement?

Mr. VELDE. No; you can decline to answer on the same grounds.

Miss DOYLE. I decline to answer that question on the same grounds.

Mr. TAVENNER. The records of the committee indicate a Miss Bernadette Doyle was elected a member of the California State Committee of the Communist Political Association in 1944. Were you the Bernadette Doyle referred to?

Miss DOYLE. I decline to answer that question, Mr. Chairman, on the basis of the fact that my answer may tend to incriminate me.

Mr. TAVENNER. I hand you an article from the Daily People's World of June 14, 1944, which lists the persons elected as officers of the California State organization of the Communist Political Association and the persons elected as members and alternates of the California

State Committee of the Communist Political Association. Will you read the names of the persons listed and the positions to which they were elected?

Miss DOYLE. Mr. Chairman, I would like to consult counsel on that, because I don't see why I should read it.

Mr. REIN. I would suggest—

Mr. VELDE. You are not allowed to make suggestions to the committee. You may confer with the witness.

(Witness confers with her counsel.)

Miss DOYLE. Mr. Chairman, I just don't see what the purpose is in my reading them when the other questions have been read by the examiner.

Mr. VELDE. It isn't your prerogative to determine what our purpose is. We determine what our purpose is. Do you decline to read the names?

Miss DOYLE. Mr. Chairman, I just don't know what my rights are in regard to this, but I am afraid if I do such a thing the committee may quote me as saying this, and I don't feel that is correct.

Mr. TAVENNER. That wouldn't be correct, because the record would show you are reading an article which I have asked you to read.

Miss DOYLE. Does the committee insist that I read this list?

Mr. VELDE. You may refuse to do so, certainly, if you so desire.

Miss DOYLE. I decline to read the list.

Mr. TAVENNER. I desire to offer the article in evidence and ask that it be marked "Bernadette Doyle Exhibit No. 2."

Mr. VELDE. It will be admitted.

(The newspaper article above referred to, marked "Bernadette Doyle Exhibit No. 2," is filed herewith.)

Mr. TAVENNER. Are you acquainted with an individual by the name of Rose Segure, S-e-g-u-r-e?

Miss DOYLE. I decline to answer that question, Mr. Chairman, on the basis of the fact that my answer might tend to incriminate me.

Mr. TAVENNER. Are you acquainted with a person by the name of Kenneth May?

Miss DOYLE. I decline to answer that question also, Mr. Chairman, on the basis of the fact that my answer might tend to incriminate me.

Mr. TAVENNER. Were you acquainted with a person by the name of Pearl E. Freeman in San Francisco?

Miss DOYLE. I decline to answer that question on the basis of the fact that my answer might tend to incriminate me.

Mr. TAVENNER. Were you acquainted with her husband, James Freeman?

Miss DOYLE. I decline to answer that question also on the same basis, Mr. Chairman.

Mr. TAVENNER. Do you know where those individuals are living now?

Miss DOYLE. No; I don't.

Mr. TAVENNER. Do you know whether Mr. and Mrs. Freeman have been in Hawaii for a number of years, have lived there for a number of years?

Miss DOYLE. I decline to answer this question on the basis of the fact that it may tend to incriminate me.

Mr. TAVENNER. Were you acquainted with members of the Merri-man branch of the Communist Party at Berkeley, Calif?



Miss DOYLE. I decline to answer that question on the basis of the fact that it may tend to incriminate me.

I would like to make an additional statement, if I may, Mr. Velde, just an additional comment, really.

Mr. VELDE. As I understand it, you intend to be entirely uncooperative with this committee. You refuse to give any of the details concerning your work with the Communist Party, your connection with Steve Nelson, your connection with Dr. Joseph Weinberg, and everything you did while in Oakland and the Bay area from 1941 to the present time; is that true?

Miss DOYLE. I decline to answer the questions so far asked by this committee, other than the ones I have answered, on the basis of the fact that my answer might tend to incriminate me; but I have never committed an act of sabotage or any act of espionage, and I resent bitterly the connection of my name with this particular type of investigation.

Mr. VELDE. Do you deny you attended a meeting in the home of Dr. Joseph Weinberg in August 1943?

Miss DOYLE. I decline to answer that question on the basis of the fact that my answer might tend to incriminate me.

Mr. VELDE. How can you say you are not guilty of any crime of sabotage or espionage when you won't answer questions concerning your connections with those who have committed such crimes?

Miss DOYLE. I decline to answer the question on the basis of the fact that my answer might tend to incriminate me.

Mr. VELDE. Did you ever attend a meeting of the National Communist Party in New York during the year 1944?

Miss DOYLE. I decline to answer this question on the basis of the fact that my answer may tend to incriminate me.

Mr. VELDE. The committee records and my own personal knowledge show you obtained passage for a number of Communists, including Steve Nelson and yourself, on the train to New York City to attend the National Communist Party convention, and that a good number of our loyal fighting men and a good many loyal American citizens were not able to get accommodations to go to this convention or anywhere else. Do you deny that?

Miss DOYLE. I decline to answer the question on the basis of the fact that my answer may tend to incriminate me, but I do feel this is an inquisitorial body acting in a star chamber manner, and it is not a court.

Mr. VELDE. Do you deny that you were ever in the home of Dr. Joseph W. Weinberg?

Miss DOYLE. I decline to answer this question on the basis of the fact that my answer may tend to incriminate me.

Mr. VELDE. You have told this committee that you worked in Oakland as an organizer from 1940 to 1944 or thereabouts. Where were your offices?

Miss DOYLE. I decline to answer that question on the basis of the fact that my answer may tend to incriminate me.

Mr. VELDE. As a matter of fact, you worked in the Oakland headquarters of the Communist Party during those years, didn't you, Miss Doyle?

Miss DOYLE. I decline to answer that question on the basis of the fact that my answer may tend to incriminate me.

Mr. VELDE. Do you know Robert King?

Miss DOYLE. Who?

Mr. VELDE. Robert King.

Miss DOYLE. Insofar as I know, I have never heard of him, Mr. Chairman, but will you say the name again? Is it King?

Mr. VELDE. Yes.

Miss DOYLE. K-i-n-g?

Mr. VELDE. Yes.

Miss DOYLE. So far as I know, I have never heard the name. It might be better for me to say I don't remember. I have no recollection of it at all.

Mr. VELDE. Did you ever attend the University of California in Berkeley?

Miss DOYLE. Yes, I did.

Mr. VELDE. What years?

Miss DOYLE. Again I would have to check the exact years.

Mr. VELDE. Approximately?

Miss DOYLE. I would say I attended off and on from about 1939 or 1938, I guess it was, until around 1941. But I would want to check the dates. It is roughly in that period.

Mr. VELDE. Were you a member of the Young Communist League?

Miss DOYLE. I decline to answer that question on the basis of the fact that my answer may tend to incriminate me.

Mr. VELDE. Did you later become active in the American Youth for Democracy movement?

Miss DOYLE. I decline to answer that question on the basis of the fact that my answer may tend to incriminate me.

Mr. VELDE. Did you belong to the Anti-Fascist Refugee Committee?

Miss DOYLE. I decline to answer that question on the basis of the fact that my answer may tend to incriminate me.

Mr. VELDE. Did you belong to the American-Russian Institute?

Miss DOYLE. I decline to answer that question on the same grounds.

Mr. VELDE. Did you know Louise Bransten?

Miss DOYLE. I decline to answer that question on the basis of the fact that my answer may tend to incriminate me.

Mr. VELDE. Do you know Dr. David Bohm?

Miss DOYLE. I decline to answer that question on the basis of the fact that my answer may tend to incriminate me.

Mr. VELDE. Is Dr. David Bohm a member of the Communist Party to your knowledge?

Miss DOYLE. I decline to answer that question on the basis of the fact that my answer may tend to incriminate me.

Mr. VELDE. Is Dr. Joseph W. Weinberg a member of the Communist Party to your knowledge?

Miss DOYLE. I decline to answer that question on the basis of the fact that my answer may tend to incriminate me.

Mr. VELDE. It is your intention, then, to be entirely uncooperative and refuse to answer any questions regarding any of your associations while you were an organizer; is that right?

Miss DOYLE. May I consult with counsel?

Mr. VELDE. Yes.

(Witness confers with her counsel.)

Miss DOYLE. I haven't refused to answer all questions before this committee. I have refused to answer all questions that I thought might tend to incriminate me, and on these I feel I cannot answer the questions because my answer might tend to incriminate me.

Mr. VELDE. But the questions you have refused to answer have been relative to your work as an organizer for the Communist Party?

Miss DOYLE. Those questions asked me which I have refused to answer, I have refused to answer on the basis of the fact that my answer might tend to incriminate me.

Mr. TAVENNER. I have no further questions.

Mr. VELDE. The committee will stand at recess until 2:30.

(Thereupon, at 1:30 p. m., a recess was taken until 2:30 p. m. of the same day.)

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The history of the United States of America is a story of growth and development. It begins with the first settlers who came to the continent in search of a new home. These settlers found a land of vast resources and potential, but they also found a land that was already inhabited by a diverse and complex society of Native Americans. The story of the United States is a story of the struggle to create a new society, a society that would be based on the principles of liberty and justice for all. This struggle was fought through many years of conflict and compromise, and it was not until the late 18th century that the United States was finally established as an independent nation. Since that time, the United States has grown from a small, isolated colony to a powerful, global superpower. It has played a leading role in the world, and it has been the source of many of the great achievements of modern civilization. The story of the United States is a story of hope and possibility, and it is a story that continues to inspire and challenge us today.

HEARINGS REGARDING COMMUNIST INFILTRATION OF  
RADIATION LABORATORY AND ATOMIC BOMB PROJECT  
AT THE UNIVERSITY OF CALIFORNIA, BERKELEY,  
CALIF.—VOLUME 3

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THURSDAY, DECEMBER 21, 1950

UNITED STATES HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE  
COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

EXECUTIVE SESSION

A subcommittee of one of the Committee on Un-American Activities met, pursuant to adjournment, at 2:55 p. m., Hon. Harold H. Velde presiding.

Committee member present: Hon. Harold H. Velde.

Staff members present: Frank S. Tavenner, Jr., counsel; and Donald T. Appell, investigator.

Mr. VELDE. In the testimony you are about to give this subcommittee, do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Dr. MAY. I do.

TESTIMONY OF KENNETH OWNSWORTH MAY, ACCOMPANIED  
BY COUNSEL, SIDNEY S. SACHS

Mr. Tavenner, I have a very brief biographical statement that might help the committee in questioning me. I would be glad to read it.

Mr. TAVENNER. I will develop that. Will you state your full name, please?

Dr. MAY. Kenneth Ownsworth May.

Mr. TAVENNER. What is your present address?

Dr. MAY. 114 Winona Street, Northfield, Minn.

Mr. TAVENNER. Are you represented here by counsel?

Dr. MAY. Yes, I am.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. SACHS. My name is Sidney S. Sachs, of the firm of Sachs and Jacobs, attorneys, here in Washington.

Mr. TAVENNER. Dr. May, the committee would like to have a brief outline of your educational background and your employment record. If you have it in biographical form, you may read it.

Dr. MAY. This may not be altogether complete, but perhaps you could question me if there are things here which are omitted.

I was born in Portland, Oreg., on July 8, 1915. My father's parents were early pioneers, and my mother was an Englishwoman. My father is a professor of political science and director of the Bureau of Public Administration at the University of California.

The University of California granted me the A. B. degree with highest honors in mathematics; the M. A. degree; and the Ph. D. degree.

Mr. TAVENNER. What were the dates of those degrees?

Dr. MAY. The A. B. degree was in 1936; the M. A. degree in 1937; and the Ph. D. degree was in 1946.

Mr. VELDE. All from the University of California?

Dr. MAY. All from the University of California at Berkeley.

Mr. VELDE. At Berkeley?

Dr. MAY. Yes. I was a teaching assistant at the University of California in the academic years 1936-37 and 1939-41. I studied in England and France in the years 1937-39.

As is well known to the public and to my employers, I joined the Communist Party in 1936 and severed my connections with it in 1942. As a result of my activities in the party I lost my teaching position at the University of California in 1940.

After Pearl Harbor I made efforts to volunteer for the Army but was not accepted until the end of 1942. When I entered the service I withdrew from the party and have been independent of it ever since.

Mr. VELDE. Just how did you withdraw from the party?

Dr. MAY. Well, no formal withdrawal was necessary, because when I was drafted into the Army, everybody who went into the Army was sort of disconnected from the party, or given a sort of leave from the party, so I never made a formal resignation. When I went into the Army I didn't have contact while I was in the Army, and when I came back I simply didn't become active.

Mr. VELDE. The Communist Party gave you leave while you were in the Army?

Dr. MAY. Technically I suppose that was the case.

Mr. VELDE. Was that a formal matter or understanding?

Dr. MAY. I don't know how it was done, but I think the Communist Party at that time spoke of it in those terms, that when a person went in the Army he was disconnected from the party. The only sense in which leave was used was that when I got out of the Army I would come back in the party, but I simply did not come back in.

Mr. VELDE. I see.

Dr. MAY. I served in the infantry as a rifleman, messenger, communications sergeant, and second lieutenant. I participated with the Eighty-seventh Mountain Infantry in the Aleutian and Italian campaigns, attended the leadership and battle training school of MTOUSA, and taught at the University Study Center in Florence after VE-day. The Army was fully informed as to my past connections with the Communist Party.

When I was separated from the Army in 1945, I returned to the University of California to complete my work for the Ph. D. In 1946 I joined the faculty of Carleton College and am now an associate professor of mathematics there.

I have been active in professional organizations and have written a number of research papers and a text in elementary analysis. I



have testified fully about these matters before a Federal grand jury here in Washington.

Mr. TAVENNER. You are not under any Federal subpoena at this time?

Dr. MAY. No, other than this one, of course.

Mr. TAVENNER. Dr. May, in an article appearing in the October 15, 1940, issue of New Masses, purportedly signed by you, you write that you joined the Communist Party in 1936 as an undergraduate of the University of California. Was your first association with the Communist Party in the form of membership in the Young Communist League, or in the Communist Party of the United States?

Dr. MAY. I was never associated with the Young Communist League.

Mr. TAVENNER. Will you tell the committee the circumstances under which you became a member of the Communist Party, and how you were recruited into it?

Dr. MAY. Really, I think that I just decided on my own. I had had very little contact with the party. I didn't go to any meetings or anything before, or nobody brought me around. I just decided that I wanted to join, and I approached someone who I knew was a party member and said that I wanted to join. This person told me where to go, where there was going to be a meeting, and I went to this place.

Mr. TAVENNER. Where was that?

Dr. MAY. I don't remember the street address or anything like that.

Mr. TAVENNER. Describe the meeting to us, what type of meeting it was and of what group of the Communist Party.

Dr. MAY. Of course this is a long time ago, and I don't remember the details. I may even be describing the second meeting I went to. But I do recall going to a meeting or meetings where I think there were only two or three people, and I hadn't known any of them before. They weren't colleagues of mine at all.

Mr. TAVENNER. Was that in Berkeley?

Dr. MAY. Yes. I saw some of these people later on the campus, but I didn't know them by name.

Mr. TAVENNER. As a result of your becoming a member, you, of course, were assigned to a group or cell in the Communist Party, I take it?

Dr. MAY. Yes.

Mr. TAVENNER. What was that cell or group?

Dr. MAY. It was part of the campus branch. It was called the campus branch of the Communist Party.

Mr. VELDE. Consisting mostly of students of the University of California?

Dr. MAY. It was my understanding it consisted entirely of students.

Mr. TAVENNER. Did you become an officer of that group yourself?

Dr. MAY. I didn't hold any office of consequence. I may have collected dues one night, or something of that kind.

Mr. TAVENNER. Did you become affiliated with any other group of the Communist Party other than this campus branch? In other words, were you transferred to any other group or cell?

Dr. MAY. I am trying to remember, now. You mean at any time?

Mr. TAVENNER. Yes, at any time.

Dr. MAY. Later on, in 1941 or 1942, when I was an official of the Communist Party, I belonged to a number of branches, but it was a nominal membership. I was too busy to go to meetings, but I was attached to perhaps half a dozen groups at one time or another. I didn't actually participate in all of them.

Mr. TAVENNER. What was your official position in the Communist Party to which you just referred?

Dr. MAY. I was educational director of Alameda County in 1941, and then I was what is called organizational secretary in 1942. I don't know the exact date when I changed from one to the other.

Mr. TAVENNER. Was Steve Nelson the party organizer for Alameda County at that time?

Dr. MAY. I believe he was organizer during 1942, but just when in 1942 he became organizer, I don't recall.

Mr. TAVENNER. And prior to his becoming organizer, was Paul Crouch the Communist Party organizer for Alameda County?

Dr. MAY. That is correct.

Mr. TAVENNER. Will you tell us how the party was organized in Alameda County at the time you held the official positions that you referred to? That is, what cells there were, the names of them, how many cells embraced a branch, and so forth, all the organizational information that you can give us regarding the party in Alameda County.

Dr. MAY. I don't know whether I can give you anything too precise on that, because I didn't keep any record or anything of that kind, and I didn't make any effort to remember it, either. There were a number of sections in the county, and these sections contained branches, and in a general way the sections were geographical.

Mr. TAVENNER. Will you name those sections?

Mr. VELDE. Let me say this, Mr. Witness. There is no disposition on the part of any of the members of this committee to condemn you in any way if you make some mistakes in your memory, but we would appreciate it if you would give us the general organizational set-up of the party not only in Alameda County, but the whole bay area.

Dr. MAY. I am afraid whatever I would say would be pretty vague. I would have a hard time to give you the organizational set-up of the college where I work right now, and I have only been gone a few weeks.

Mr. VELDE. Generally.

Dr. MAY. Well, there were sections which consisted of branches, and the organization changed a great deal from time to time. Sometimes there were more sections than there were at other times.

Mr. TAVENNER. Approximately how many sections were there?

Dr. MAY. Between four and seven; something like that.

Mr. VELDE. In the first place, the Communist Party was organized in districts throughout the country; was it not?

Dr. MAY. I don't doubt that, but that never concerned me at all. I never had contact with organizational problems outside the county.

Mr. VELDE. You do recall that you were part of the Nevada-California thirteenth district; don't you?

Dr. MAY. I have seen literature with "thirteenth district" stamped on it, but I have no direct knowledge that it was part of the thirteenth district, myself.

Mr. VELDE. Isn't it true that the county organization was next under the district organization or the State organization?

Dr. MAY. My memory is that we dealt with the State committee. I don't know about anything else.

Mr. TAVENNER. Let us begin with the sections. You said there were four or five, at least, or possibly as many as seven, in Alameda County. Will you attempt to identify them by the names under which they were known and the sections of the county which they covered?

Dr. MAY. As I remember, they were numbered in some fashion. The only reason I remember there were between four and seven, I remember seeing statements on dues, sections 1, 2, 3, 4. You see, in the literature they were not identified as to which was which.

Mr. TAVENNER. What was the name of the section in which Berkeley was located?

Dr. MAY. There was a Berkeley branch. I do remember that.

Mr. TAVENNER. And it was known as that?

Dr. MAY. I am not sure it was always known as that, but there was a branch in Berkeley.

Mr. TAVENNER. You speak of the Berkeley branch. Is that one branch of a section?

Dr. MAY. No.

Mr. TAVENNER. Or do you mean to speak of it as a Berkeley section?

Dr. MAY. I think you have got that confused. I think, if the truth were known, sometimes it was the Berkeley branch and sometimes the Berkeley section. They may have sometimes called the branches sections. I am sure at least half a dozen times while I was there they completely reorganized it from top to bottom.

(Witness confers with his counsel.)

Dr. MAY. I am not trying to stall you on this matter, you understand.

Mr. TAVENNER. I understand.

Dr. MAY. It is just that to really give an accurate answer I would need to have notes that would detail all these things. It was extremely complicated. I don't know just what information you are getting at.

Mr. VELDE. You mentioned a moment ago that they changed the type of organization. One of the changes, I believe, was that they changed some geographical branches into occupational branches?

Dr. MAY. There were several such changes. A few months later they would all be on the basis of where people lived, and there were all kinds of changes. All these changes were made in a kind of way so as to conceal as much as possible how they were being made. And so, even though I was organizational secretary in 1942—and I suppose if anybody was responsible for this sort of thing I was—still the detail of the organization was not something I kept track of all the time.

Mr. TAVENNER. Let me confine myself to the phases of organization with which I think you are familiar. You spoke of the Berkeley branch.

Dr. MAY. There was an organization in Berkeley; yes.

Mr. TAVENNER. How many sections were there in the Berkeley branch of the Communist Party?

Dr. MAY. Different numbers at different times.



Mr. TAVENNER. Describe the evolution of the organization as well as you can.

Dr. MAY. I think there was a time when everybody was in one branch, but I never directly had any contact with that. Then there were later times when there were neighborhood branches. I think usually the branches were named after somebody, something like that. Somewhere there was a Mother Bloor branch; probably a Browder branch.

Mr. TAVENNER. Was there a Merriman branch?

Dr. MAY. Yes, but this was not part of the Berkeley branch. This was a University of California branch.

Mr. VELDE. What was that branch?

Dr. MAY. Merriman. I was in that branch. As I remember, the Merriman branch was separate. The university branch was separate from the Berkeley branch.

Mr. TAVENNER. Can you give the names of any cells of the Berkeley branch?

Dr. MAY. I don't know any other named branches in Berkeley.

Mr. TAVENNER. How many groups or cells were there, to your knowledge, in the Berkeley branch?

Dr. MAY. Berkeley section? I don't know whether I can give you any more definite answer than I did. There might have been as many as three or four at different times. I doubt that there were ever any more than that.

Mr. VELDE. Wasn't there an Anita Whitney branch?

Dr. MAY. It sounds plausible, but I don't recollect what branch, if any, was named after Anita Whitney. I am sure there must have been an Anita Whitney branch, but I don't know if it was in Berkeley.

Mr. TAVENNER. The Merriman branch came under what jurisdiction? Was it a separate section?

Dr. MAY. I think it was a separate section when there were sections. There weren't always sections; but, if there were sections, it was a section.

Mr. TAVENNER. You have spoken of having been connected or attached to from five to seven different branches or cells from time to time.

Dr. MAY. Yes.

Mr. TAVENNER. What were those?

Dr. MAY. I will try to think of as many as I can. I was a member of the campus branch, in the first instance.

Mr. TAVENNER. That is the same as the Merriman branch?

Dr. MAY. Except at the time I joined I don't think it was called the Merriman branch. Then I was attached to one of the groups in Berkeley later on, but what it was called I don't remember.

Mr. TAVENNER. Can you give some further descriptive information concerning it?

Dr. MAY. It seems to have been in the northwestern part of Berkeley. None of the people in it were my friends, and I very rarely met with them.

Mr. TAVENNER. Proceed.

Dr. MAY. It is hard to remember whether I was really a member of these branches or just met with them two or three times, but I met with branches all over the county at different times.

Mr. VELDE. You carried a Communist Party membership card; didn't you, Mr. May?

Dr. MAY. I must have had one. I don't know what you mean by "carried" one. I don't recollect carrying one.

Mr. VELDE. At least you were issued a membership card on more than one occasion?

Dr. MAY. Yes.

Mr. VELDE. Can you describe the cards that were issued to you?

Dr. MAY. I think all the cards that were issued to me were more or less the same type. They were a little booklet with my name, and some statement about the party on the front page, some sort of statement like membership in the Communist Party, so-and-so is a member, then a number, and the rest of it had blanks for dues.

Mr. VELDE. The branch was listed also on the card; was it not?

Dr. MAY. I am not sure.

Mr. VELDE. Have you retained any of those cards?

Dr. MAY. No; I haven't. I wouldn't have any except the one I had when I went in the Army, because they pick them up each year. That one I left with papers and threw it away or burned it up.

Mr. VELDE. Were any of those cards issued to you under a name other than your own name?

Dr. MAY. I am not sure, but I think I used my own name. The first year when I joined there might have been some other name put on the card; but, if there was, I never used it at any other time. I never used any other name in the party, although I think some people in the party thought Kenneth May was a fake name, but it wasn't; it was my own name.

Mr. VELDE. Do you recall that it was the custom of the national committee that cards be issued to members of the Communist Party under different names than their actual names?

Dr. MAY. I don't ever remember there being any order like that. I think it was entirely up to the individual. In other words, when a person joined, someone or other might say to him: "Maybe you ought to put some other name down," or the person might think of it himself, but I never heard the question of using false names discussed anywhere in the party, except I recall they were trying to urge people to use their real names during a certain period, because they wanted people to be open Communists and not hide their connections. I was one of those who was an open Communist all the time; so I wasn't greatly concerned by this problem.

Mr. VELDE. Proceed.

Mr. TAVENNER. You have stated that Paul Crouch was the district organizer. That was at the same time that you were organizational secretary; was it not?

Dr. MAY. Educational director. I don't think I became organizational secretary until he left and until Steve Nelson came in. In other words, that change was made all in a parcel.

Mr. TAVENNER. Tell the committee what your association was in the party with Paul Crouch.

Dr. MAY. He came in as organizer sometime in 1941, I don't remember the exact time, but I was already there as educational director. Do you mean my personal association with him?

Mr. TAVENNER. Yes, in the work of the party.

Dr. MAY. In the first place, I didn't have much contact with Paul Crouch except in the work. In other words, I saw him at the office. My contact with him usually consisted of my sitting with him in the



office and having a conference with him during the day, and then I might see him in the evening at a meeting where he was speaking or I was speaking, or I might go to San Francisco with him to talk to people.

Mr. TAVENNER. There were occasions when both Paul Crouch and you went to group meetings of the Communist Party and discussed party affairs?

Dr. MAY. There must have been. At the moment I don't recall such a specific occasion.

Mr. TAVENNER. Do you recall such an occasion at the home of Bernadette Doyle?

Dr. MAY. When Paul Crouch was with me?

Mr. TAVENNER. Whether he was or not. If he was with you, please so state.

Dr. MAY. I don't recall ever attending a meeting at Bernadette Doyle's house, but I am not saying that I never did.

Mr. TAVENNER. Do you recall such a meeting at the residence of Marcus Billings, 146 Maroga Street, Oakland, Calif.?

Dr. MAY. What is that address, again?

Mr. TAVENNER. 146 Maroga Street.

Dr. MAY. I am not acquainted with that address.

Mr. TAVENNER. Do you recall Marcus Billings?

Dr. MAY. I recall Marcus Billings as a person; yes.

Mr. TAVENNER. Do you recall meeting at his home?

Dr. MAY. I can't recall meeting at his home on any matter. Again I am not sure that I didn't. I surely could not have met there very many times and not remember it, but I don't remember meeting at his home.

Mr. TAVENNER. Do you recall what branch of the party Marcus Billings was a member of, if he was a member?

Dr. MAY. That is a double question.

Mr. TAVENNER. First, was he a member of the Communist Party?

Dr. MAY. I am not sure.

Mr. TAVENNER. Have you ever seen him in a Communist Party meeting?

Dr. MAY. I don't remember seeing him in a meeting. I might have seen him in a meeting, but I don't recall seeing him in a meeting.

Mr. TAVENNER. Coming back to my question about your associations with Paul Crouch, you say it was a practice to go out to various group meetings of the Communist Party and address the meetings on various subjects, and that you and Crouch had done that together?

Dr. MAY. Probably not very often, because it was wasteful to send two people to the same place.

Mr. TAVENNER. Can you recall any of the places where that occurred?

Mr. SACHS. You mean either of them?

Mr. TAVENNER. Where the two went together.

Dr. MAY. Do you mind if I take some time to think about this, because I want to see if I recall any.

Mr. TAVENNER. Surely.

Dr. MAY. The only occasion I can recall, and I can't recall the date of it or the place of it, even, was some kind of an all-county conference that was held where people were called from all over the county and speeches were made.

Mr. TAVENNER. That is the only one you can positively identify. You know there were others?



Dr. MAY. There may have been others. I don't think there were very many, because he was only there 6 months at the most, and during that time I did my job and he did his. We didn't have too much contact. I remember this all-county conference where he spoke, because he made a very poor report, and it was one of the things that caused him to be thrown out as organizer of the party.

Mr. TAVENNER. Who took the action to throw him out?

Dr. MAY. I initiated the action.

Mr. TAVENNER. With whom?

Dr. MAY. At a meeting of the county committee I just asked to say a few words, and I said I thought he was incompetent and should be removed, that he was doing a poor job, and the county committee took it under advisement. We discussed it further, we discussed it with people in San Francisco, then it was voted that he should be ousted.

Mr. TAVENNER. How many were on the county committee?

Dr. MAY. I think something like a dozen.

Mr. TAVENNER. Will you give us the names of those who were on the county committee at that time?

Dr. MAY. I can give you some of them.

Mr. TAVENNER. Give us the names of those you can recall.

Dr. MAY. Of course there was Crouch himself. He was on the county committee.

Mr. TAVENNER. Was he a member of the county committee as organizer?

Dr. MAY. That is right; and he was present at this meeting.

Mr. TAVENNER. Who were the others?

Dr. MAY. I am not sure. I don't want to say someone was on that county committee if I only have an impression.

Mr. TAVENNER. They were the group of people to whom you were responsible; in fact, they were the ones responsible for appointing you to the important position you held?

Dr. MAY. That is right.

Mr. TAVENNER. On reflection you certainly will recall the names of a substantial number of those who served on your own committee.

Dr. MAY. You would think I ought to, wouldn't you?

Mr. TAVENNER. Yes, sir; I certainly do.

Dr. MAY. I don't like to say someone was on that committee unless I saw them there. I never saw a list of the members of the county committee.

Mr. TAVENNER. But you met with the county committee from time to time?

Dr. MAY. Yes, but I wasn't anxious—you see, both branches and committees like that would meet, and people didn't make an effort to identify themselves to each other. They probably anticipated sometime they would be called before a committee like this and questioned, and they wanted to protect themselves.

Mr. TAVENNER. But this was a county where you were well known, and their taking part in the same enterprise you were engaged in, you couldn't help but know who they were; there couldn't be any secrecy as to names.

Dr. MAY. There could be. I believe there was.

Mr. VELDE. What do you mean by that?

Dr. MAY. People would turn up and you called them by their first name—something like that. I certainly never made an effort

to remember anybody's name. I don't any time, and especially when I was in the party I didn't make an effort to.

Mr. VELDE. Do you want this committee to believe that you have forgotten the names of the members of the county committee of the Communist Party of Alameda County during the time you were a member of that committee?

Dr. MAY. I am not saying that. I am trying to tell you why I don't just give you a list.

Mr. TAVENNER. I believe on reflection he will be able to give them.

Dr. MAY. That committee changed from time to time. There was a man I do remember, Bob Cole.

Mr. TAVENNER. What is the name?

Dr. MAY. C-o-l-e; Bob Cole.

Mr. VELDE. Is he now living?

Dr. MAY. I don't know. As a matter of fact, when I think back on this, the only county committee meeting that I can recall is this particular meeting I spoke of when I made that statement. That is the only county committee meeting I recall.

There was another man who may have been there, Charles Drasnin.

Mr. TAVENNER. Charles Drasnin?

Dr. MAY. Yes; D-r-a-s-n-i-n.

Mr. TAVENNER. Give us the names of additional persons who were on the committee, whether they were at that particular meeting or not.

Dr. MAY. I don't think there are any other people I can remember as being on that committee that I am sure enough they were members that I could testify before this committee and a court that I knew they were on the committee. I think it would amount to hearsay or guessing.

Mr. TAVENNER. We don't want you to guess.

Dr. MAY. I was sure you didn't. Maybe it seems strange to you but, for instance, I am on some committees at Carleton College, and if you should ask me who else are on the committees, I could not name all of them. I am on the library committee. I know the librarian is a member, but I don't know all the other members.

Mr. TAVENNER. But the chances are you know the members of the board of trustees of your institution, under whom you serve and to whom you owe your appointment?

Dr. MAY. I know two members of the board of trustees at Carleton, or maybe three or possibly four, out of perhaps 30 or 40 trustees. I have met every single trustee; maybe I have met them two or three times; but I don't try to remember their names.

Mr. TAVENNER. Are those all that you can recall?

Dr. MAY. That is all I can recall now.

Mr. TAVENNER. If during the course of your testimony the names of any others occur to you who were members of the county committee, I would like you to volunteer that information.

How was Cole employed?

Dr. MAY. Cole preceded Crouch as organizer.

Mr. TAVENNER. Do you know where he is now?

Dr. MAY. No, I don't.

Mr. TAVENNER. What was the last information you had regarding him, his whereabouts?



Dr. MAY. He went into the Army, and I wrote to him in the Army, but he didn't reply. I didn't hear from him while he was in the Army.

Mr. TAVENNER. Have you seen or heard of him since his return from the Army?

Dr. MAY. I think I heard from somebody that he had come back out of the Army, but the implication was he was not politically active.

Mr. TAVENNER. Is he living in the same general area, Alameda County?

Dr. MAY. I don't know. You must remember I haven't been near California since 1946, so I don't know what is happening there.

Mr. TAVENNER. The other person whose name you mentioned, will you give us more descriptive information regarding him? What employment did he have, to your knowledge?

Dr. MAY. He was organizational secretary of the party at the time when Crouch was organizer.

Mr. TAVENNER. What is your last information regarding his whereabouts?

Dr. MAY. Well, he left as organizational secretary when Crouch left as organizer.

Mr. TAVENNER. Do you know where he went?

Dr. MAY. I think he stayed in the area, but I don't know exactly what he did. I suppose he went to work.

Mr. TAVENNER. How was Steve Nelson selected as the successor of Paul Crouch?

Dr. MAY. Well, when I proposed that Crouch be removed, the only objection anybody had was that they didn't know who would replace him, and so I have forgotten who conferred, but somebody conferred with the State committee in San Francisco to see if they knew who might take Crouch's place.

Mr. TAVENNER. Who were on the State committee at that time?

Dr. MAY. I never met with the State committee, so I don't know who were on the State committee from direct knowledge, but I know who were some of the State officials.

Mr. TAVENNER. Who were the State officials?

Dr. MAY. William Schneiderman was one; Louise Todd was another; Anita Whitney was one. I assume they were on the State committee.

Mr. TAVENNER. Because of the official positions which they held?

Dr. MAY. Yes; but it doesn't necessarily follow that they were. I don't know. May I explain something about this State committee, because otherwise my evidence may be confusing on this point.

Mr. TAVENNER. Yes.

Dr. MAY. Under the laws of California every political party has by law what is called a State executive committee, and this committee consists by law of all candidates of the political party who were on the ballot in the previous election, plus certain other people elected in the primaries, because California has direct a primary law.

I was on this committee because I ran for office on the Communist Party ticket, but that was not the State committee in the sense that I have been speaking of it. This State committee was a fiction.

The other officials in San Francisco, there was a man named Rudy Lambert and his brother, Walter Lambert. There was another man—just give me a minute and I will remember his name. He was organizational secretary in the State when I was organizational secretary



in the county. I am sorry, but his name just doesn't come to my mind. I know the man perfectly well. I haven't forgotten it, but it doesn't come to my mind at the moment.

Mr. TAVENNER. Let me ask you some questions as to the duties of an organizational secretary. Among your duties was the duty of collecting dues and transmitting the dues received from the various branches of the Communist Party in Alameda County; is that correct?

Dr. MAY. The money was collected by the branches, and I would only get the lump sums.

Mr. TAVENNER. How were those sums paid to you, by check or in cash?

Dr. MAY. In cash.

Mr. TAVENNER. What disposition did you make of them?

Dr. MAY. When I became organizational secretary I set up a bank account in the name of the Communist Party, and with my name as treasurer, and I signed checks "Kenneth May, trustee"—something of the sort.

Mr. TAVENNER. In what bank?

Dr. MAY. I don't remember what bank it was. I could walk to it if I were in Oakland.

Mr. TAVENNER. What street was it located on?

Dr. MAY. I don't even remember that. Broadway is the main street in Oakland, and our offices were near there, and probably the bank was on Broadway.

Mr. TAVENNER. How would you pay out of this fund?

Dr. MAY. Write checks, and I kept a receipt book of funds received—just a record of the money that came in, so that you could balance the books.

Mr. TAVENNER. Do you have any of those records at this time?

Dr. MAY. No, I don't. I didn't keep any of them. Of course, it would have been improper for me to do so. They were the party's property, not mine.

Mr. TAVENNER. When you remitted to the State committee, to whom did you send the check?

Dr. MAY. I am trying to remember how I did that. I do remember for sure that I had a bank account. I can't conceive of my having a bank account without writing checks, but I don't actually remember an instance where I wrote a check. I suppose I would make out the check to the State committee of the Communist Party. It is conceivable I might have written the check to "Cash" and taken the money to San Francisco. I am not sure. We took out a certain percentage of the dues and kept them and sent a certain percentage to the State office.

Mr. TAVENNER. Did you make any remittance to the national headquarters in New York?

Dr. MAY. We didn't. The State committee might have, but we just sent direct to the State.

Mr. TAVENNER. Can you recall to whom you accounted in the State organization for the funds which came into your hands?

Dr. MAY. I am going to be embarrassed if I can't remember this man's name. There is no reason in the world why I should not remember it.

Mr. SACHS. Could we pass that, Mr. Tavenner?

Mr. TAVENNER. Have you given us the names of all the members of the State committee whose names you can recall?

Dr. MAY. I have given you the names of all the officials over there that I knew—I am not sure they were members of the State committee, but they are the officials—except the name I am going to try to remember if I can.

Mr. TAVENNER. Do you recall James George McGowan, an organizer for the Communist Party?

Dr. MAY. That name means nothing to me. I don't recall having heard the name anywhere before.

Mr. TAVENNER. He registered as a Communist in 1942 and described himself as a Communist Party organizer in Alameda County.

Dr. MAY. I can't explain it; I am sorry. I might have known him by some other name, or he might have been lying. The surprising thing about this is, I ran for office in that election, and I must have made use of all those registered Communists to sign petitions. So if this guy was around, I must have met him.

Mr. TAVENNER. In order for us to attempt to identify this individual by maybe some other name, will you give us the names of all organizers of branches of the Communist Party of Alameda County that you can recall?

Dr. MAY. I couldn't give you any kind of an honest statement on that. I would be making it up.

Mr. TAVENNER. You would know the name of the organizer of the Merriman branch at that time?

Dr. MAY. No, I don't. I haven't the slightest idea who was organizer at that time.

Mr. TAVENNER. You knew at the time but you have no recollection now?

Dr. MAY. That is right. During the period I was there, I would wager there were 15 different organizers of that branch.

Mr. TAVENNER. Can you name any of the 15?

Dr. MAY. I think at one time I was organizer while I was still a student. This was not in 1936 and 1937, but later on. Otherwise, I don't know who the organizers were.

Mr. TAVENNER. That, however, was not the Merriman branch that you were organizer of, was it?

Dr. MAY. I think so. It was the campus branch.

Mr. VELDE. As I understand, the Merriman branch consisted of others than students, didn't it?

Dr. MAY. As I understood, it consisted of graduate students. It didn't include any faculty. I might explain the distinction was, in general if a person was an undergraduate he was in YCL; if he was a graduate, he was in the party. I didn't join until I was already through as an undergraduate, so I didn't go in YCL. I went into the party.

Mr. TAVENNER. I was asking you about the method of the selection of Steve Nelson as organizer when Paul Crouch was relieved, and you stated it was probably the action of the State committee. Do you know anything more about that, as to how Steve Nelson was selected for this position?

Dr. MAY. How it was actually decided?

Mr. TAVENNER. Yes.

Dr. MAY. I think not. I think probably the group of us might have gone over or something, and probably I or someone talked to Bill Schneiderman about it. On some occasion he said Steve Nelson was willing to do it, and we were glad to have him, because he was a person

very well known as being a good person. That is all I recall about it. In other words, we accepted him on the basis of the State's recommendation.

Mr. TAVENNER. Who became the secretary?

Dr. MAY. Organizational secretary?

Mr. TAVENNER. Yes.

Dr. MAY. I did.

Mr. TAVENNER. And how long did you remain the organizational secretary?

Dr. MAY. From the time he came in until about September 1942. That was 6 or 7 months.

Mr. TAVENNER. Who succeeded you as organizational secretary?

Dr. MAY. It was my understanding Bernadette Doyle did. Of course by that time I was out of things, but that is what I understood before I left.

Mr. TAVENNER. You knew Bernadette Doyle before you left?

Dr. MAY. Yes.

Mr. TAVENNER. Was she a member of the Communist Party?

Dr. MAY. I assume so.

Mr. TAVENNER. Had you met in Communist Party meetings with her?

Dr. MAY. Oh, yes; certainly.

Mr. TAVENNER. Tell me about the nature of your associations with Steve Nelson and the business of the party while you were his organizational secretary.

Dr. MAY. The work that I did with him was the sort of work that an executive officer does for a commanding officer in the Army; or an executive assistant does for a business executive. I took care of details, and if there was going to be a big public meeting I might be chairman or one of the speakers, and I would see that the hall was secured, and that publicity went out to the newspapers. Most of my work was in contact with various agencies. Sometimes I would arrange for a spot announcement.

This doesn't cover the whole story, but all kinds of things of this sort.

Mr. TAVENNER. Did Steve Nelson and you continue the same practice that you engaged in with Paul Crouch of attending various group meetings over the district?

Dr. MAY. We both attended meetings. We didn't very often attend meetings together, because it was more economical to have one person attend.

Mr. TAVENNER. What effort was made during this period to establish a Communist Party cell within radiation laboratory?

Dr. MAY. As far as I am aware, none. In saying this, I want to say that I know Paul Crouch said I assisted him in trying to infiltrate the radiation laboratory, but this is not so.

Mr. TAVENNER. Were you familiar with the names of those who were members of the Merriman branch of the Communist Party?

Dr. MAY. No. I wasn't meeting with the branch at that time.

Mr. TAVENNER. Do you know the names of the officers of that branch at that time?

Dr. MAY. No, I don't.

Mr. TAVENNER. Or any of them?

Dr. MAY. I think I had so little contact at that time that I really couldn't give any evidence on that point.



Mr. TAVENNER. There has been evidence introduced before the committee by Robert R. Davis that he was an employee at radiation laboratory, and he was recruited into the Communist Party by Rossi Lomanitz. Were you acquainted with either Davis or Lomanitz?

Dr. MAY. As far as I can remember, I was not. These names mean nothing to me except that I have read of them in the newspapers.

Mr. TAVENNER. Do you know whether Davis was a member of the Communist Party?

Dr. MAY. I don't think I ever knew this man.

Mr. TAVENNER. Do you know whether Rossi Lomanitz was a member of the Communist Party?

Dr. MAY. I don't think I was ever acquainted with this man. The first time ever remember hearing either of these names was when I read of these men in the newspapers, of their having come before the Un-American Activities Committee, I believe.

Mr. TAVENNER. Were you acquainted with David Bohm?

Dr. MAY. As far as I know I was not. This name was unfamiliar to me until I read it in the papers.

Mr. TAVENNER. Were you acquainted with Irving David Fox?

Dr. MAY. I am quite certain I never was. The name means nothing to me except I have read about it in the papers. The reason I am more sure about him than the others, I was not even at the university when he was there, because the papers have reported him to be a relative newcomer to the university, since my time.

Mr. TAVENNER. To whom are you referring when you say he was a newcomer? Were you referring to Fox?

Dr. MAY. That is right. All I know about Fox is what I have read in the newspapers, and I have the impression from the newspapers that he came to the University of California only a few years ago, after I left there.

Mr. TAVENNER. Were you acquainted with Max Bernard Friedman?

Dr. MAY. My answer to that is the same as to previous questions. The name is not familiar to me. If I knew him I didn't know his name. I remember reading about this man in the newspapers.

Mr. TAVENNER. Were you acquainted with Joseph W. Weinberg?

Dr. MAY. Yes, I was acquainted with Mr. Weinberg.

Mr. TAVENNER. Where did you become acquainted with him?

Dr. MAY. In Berkeley.

Mr. TAVENNER. Was he a graduate student at that time?

Dr. MAY. I am not sure just when I met Mr. Weinberg, so whether he was still an undergraduate student or a graduate student, I don't know.

Mr. TAVENNER. Over how long a period of time did you know him?

Dr. MAY. I knew him only casually, and when I met him, I am not quite sure. It might have been any time between 1937 and perhaps 1940 or something like that.

Mr. TAVENNER. Did you know him in 1942?

Dr. MAY. I was acquainted with him.

Mr. TAVENNER. And he was connected with the university at that time, was he not, in 1942?

Dr. MAY. I am not sure about that, because I was out of the university at that time. Perhaps I misunderstand your question as

to whether I was acquainted with him in 1942. I don't know whether I saw him at all in 1942, but once you have known someone I suppose you would say you were acquainted with him.

Dr. TAVENNER. How long did your acquaintanceship continue?

Dr. MAY. My acquaintanceship with Mr. Weinberg was very casual, and the only reason I remember him at all is that he became a generally known physicist at the university. In other words, he developed a reputation as a physicist, and I recall having met him on occasion. But he was not a friend of mine. If I saw him it was by accident.

Mr. TAVENNER. Do you know if he was affiliated in any way with the Merriman branch of the Communist Party, or any other branch of the Communist Party?

Dr. MAY. No, I don't.

Mr. TAVENNER. Have you any information of any character which would be of importance to this committee as to either his membership or nonmembership in the Communist Party?

Dr. MAY. Really, the only information I have about Mr. Weinberg, that is, his possible connection with the party, is that he has been accused of it and he has denied it.

Mr. TAVENNER. Of course I am not referring to the hearings that have been conducted by the committee, because the committee knows about that.

Dr. MAY. From direct personal knowledge there isn't any evidence I could give one way or another.

Mr. TAVENNER. He could have been a member of the Merriman branch of the Communist Party, or some other branch or cell, and you would not know it?

Dr. MAY. That is correct. I don't want to do him an injustice, but just not knowing he was doesn't mean he wasn't. I just don't know.

Mr. VELDE. Have you met Dr. Joseph Weinberg recently?

Dr. MAY. He teaches at the University of Minnesota, and I have run into him by accident perhaps three or four times in the last 3 or 4 years.

Mr. VELDE. About how many times?

Dr. MAY. Three or four times.

Mr. VELDE. In the last—

Dr. MAY. Three or four years. Although my field is not physics—I am a mathematician and he is a mathematical physicist—I attend from time to time colloquia at the university on mathematics, and I sometimes attend the physics colloquia, and he sometimes comes to the mathematics colloquium. At one time I heard him speak at a physics colloquium, and he said "hello" and I said "hello"; just a word or two of greeting is about the extent of it.

Mr. VELDE. Have you ever made reference to investigations of this committee in talking to Dr. Joseph Weinberg or Steve Nelson?

Dr. MAY. Have we ever discussed it?

Mr. VELDE. Yes.

Dr. MAY. Not directly.

Mr. VELDE. There isn't any reason why you shouldn't, you understand.

Dr. MAY. I understand. However, there would be a good reason why we should not discuss what my testimony was or what his

testimony was. I wouldn't consider that proper. I don't know whether it is legal or not. This was the only occasion, which was purely accidental; I ran into him in the library a few months ago, and this was the only time I made reference to the thing. I said, "I appeared before the grand jury," and he said he was sorry I had been embarrassed by having known him, something like that. We spoke a minute or two about it, and that is all there was to it.

Mr. TAVENNER. Did you ever visit in the home of Dr. Weinberg?

Dr. MAY. You mean at any time?

Mr. TAVENNER. At any time.

Dr. MAY. I only recall one occasion when I did so.

Mr. TAVENNER. When was that?

Dr. MAY. This was in 1946, just after I came out of the Army. I don't recall the exact time, but it was sometime in the spring of 1946, I expect.

Mr. TAVENNER. Did you ever visit in his home or meet with him in any meeting prior to your going into the service?

Dr. MAY. I don't recall any such occasion. Will you repeat that question?

Mr. TAVENNER. Did you meet with him in any group meeting prior to going into the Army?

Dr. MAY. I don't recall any such occasion.

Mr. TAVENNER. Did you at any time see him in the company of Steve Nelson?

Dr. MAY. I don't recall ever having seen him in the company of Steve Nelson.

Mr. TAVENNER. Did you ever discuss Dr. Weinberg with Steve Nelson?

Dr. MAY. I don't think so. I don't recall ever discussing Dr. Weinberg with Steve Nelson.

Mr. TAVENNER. Did you discuss him with Rudy Lambert?

Dr. MAY. The reason I hesitate there, I may be able to be a little more definite there. I think I can say absolutely for certain I never did discuss him with Rudy Lambert, because I had very few contacts with Rudy Lambert, and never discussed any sort of personalities with him.

Mr. TAVENNER. Is it true that Rudy Lambert was in charge of organization among scientific employees at radiation laboratory?

Dr. MAY. As far as I know, there was no organization of scientific employees at radiation laboratory; and as far as I know Rudy Lambert was never in charge of the organization of scientists at all.

Mr. TAVENNER. Was there an organization of Government employees generally in Alameda County?

Dr. MAY. I believe there was.

Mr. VELDE. Are you referring to the Federation of Architects, Engineers, Chemists, and Technicians?

Mr. TAVENNER. No; I wasn't.

Dr. MAY. There was a branch that was called by some name that suggested that it was a Government branch or something like that.

Mr. TAVENNER. Tell us more about it.

Dr. MAY. I don't know that I can tell you more about it. I don't know what the employment was of the people in it. I know they concealed from us who they were and what they were doing. I don't ever recall meeting with this branch.



Mr. TAVENNER. You say their activities were concealed——

Dr. MAY. I mean, they didn't tell us their names, for instance, and things of that kind. I don't know who was in this branch.

Mr. TAVENNER. Who was in charge of the organization of that group?

Dr. MAY. Well, I think they had somebody in the group who would turn in dues to someone and get literature, but this person didn't even need to identify himself by name.

Mr. TAVENNER. Was that work done under the supervision of Rudy Lambert?

Dr. MAY. Not as far as I know. As far as I know, he had nothing to do with organizing the party in the East Bay. If he did, it was over our heads and not through us. This is entirely news to me that Rudy Lambert did anything of this kind. I never heard of it.

Mr. TAVENNER. Were the dues paid through you by this group, that is, the Government workers?

Dr. MAY. I think dues came in from this branch to the county. There were dues that came into the county from some such branch.

Mr. TAVENNER. Whom did you collect them from?

Dr. MAY. It was done indirectly.

Mr. TAVENNER. So you were not aware of the membership of that group?

Dr. MAY. No. I had no definite knowledge of it.

Mr. TAVENNER. You never met with that group?

Dr. MAY. I don't think so; I don't think so. I might have met once with it. I might have gone to somebody's home one evening, and somebody might have said, "This is the Government branch," and I may have said a few words, but I never was introduced around. They ran their own affairs.

Mr. VELDE. How did you know there was such a branch organized?

Dr. MAY. I suppose by the fact dues came in, and they raised money and obtained literature, things of that kind. It is hard to pin it down. I suppose it would be possible for someone to set up a ghost branch if they turned in the money and gave the appearance of doing something.

Mr. TAVENNER. Where were the group headquarters located?

Dr. MAY. I don't think they had headquarters.

Mr. TAVENNER. Was it centered around Berkeley?

Dr. MAY. I don't know.

Mr. TAVENNER. Where was it centered?

Dr. MAY. I don't know that it was centered any place in the county.

Mr. TAVENNER. And you do not know the names of any members of that branch?

Dr. MAY. I don't recall the names of members of it, no.

Mr. TAVENNER. Are you familiar with any underground organization of the Communist Party in Alameda County?

Dr. MAY. I am not sure I understand what you mean by an underground organization.

Mr. TAVENNER. I mean any group of the Communist Party engaged in underground activities.

Dr. MAY. Can you explain what you mean by underground activities?

Mr. TAVENNER. Any group that had for its object the surreptitious acquisition of information.

Dr. MAY. Espionage? Is that what you mean?

Mr. TAVENNER. You may call it that.

Dr. MAY. No; I didn't know of any such group.

Mr. TAVENNER. Were you acquainted with Haakon Chevalier?

Dr. MAY. I knew Haakon Chevalier.

Mr. TAVENNER. What was the nature of your acquaintance with him?

Dr. MAY. Professor Chevalier lived two doors away from my family at the time when I was perhaps 11 or 12 years old, from that time until about 1935, and the family knew him because of the fact he was a professor at the university and knew my father. That is the way I became acquainted with him.

Mr. TAVENNER. Was he affiliated with the Communist Party?

Dr. MAY. I am not sure whether he was affiliated with the party. He was generally thought to be a Communist. I am not sure he was officially affiliated.

Mr. TAVENNER. Were you familiar with a Communist Party cell established within the Shell Development Corp.?

Dr. MAY. I don't know whether that exactly describes any branch that we had.

Mr. TAVENNER. Do you know whether a group of employees of that corporation were members of a group or cell of the Communist Party?

Dr. MAY. Well, it was generally thought there were people in the Shell Development Corp. who were party people, but I don't believe there was a branch of that nature.

Mr. TAVENNER. What branch or cell would those individuals have been members of?

Dr. MAY. They might have been members of geographical branches, neighborhood branches, or they might at some time have had some group of their own; I don't know.

Mr. TAVENNER. As organizational secretary, wouldn't you know the channel through which the dues were paid?

Dr. MAY. I am trying to remember.

Mr. VELDE. Maybe I can refresh your recollection. Did you know George Charles Eltenton and Dolly Eltenton?

Dr. MAY. Yes.

Mr. VELDE. Did they pay dues to you?

Dr. MAY. They didn't pay dues to me.

Mr. VELDE. They were generally reputed to be active in the Communist Party?

Dr. MAY. I think it was generally thought. It was my impression this was not so, however; I never saw them in any party activities. I saw them in activities of a left-wing nature, you might say. They were interested in the American-Russian Institute and so on, but I never had any contact with them as far as the party was concerned.

Mr. VELDE. You know the background of George Charles Eltenton and Dolly Eltenton, don't you?

Dr. MAY. My acquaintance with the Eltentons was based on the fact that they had been in the Soviet Union, and I was interested in Soviet planning, and I got acquainted with them because they had been there and I was interested in what they knew about what was going on in the Soviet Union, but I never approached them as a party person at all, and they never dealt with me as though they were in the party.

Mr. VELDE. Were you familiar with the attempts of Dr. Eltenton to secure passport and visa to go back to England?

Dr. MAY. No.

Mr. TAVENNER. Was Haakon Chevalier associated in a Communist Party cell along with employees of the Shell Development Corp., or associated with them in any way in Communist Party activities?

Dr. MAY. I have seen Haakon Chevalier on many occasions over a long period of time, but I don't ever recall seeing him in the same room with, say, Mr. Eltenton or anyone else I identified as being connected with the Shell Development Co., so I think the answer is "No" as far as I know.

Mr. TAVENNER. Did you ever meet with the group in the Shell Development Corp., that particular group of the Communist Party?

Dr. MAY. I met several times with a sort of a study group, a group of people studying Marxism, and I was the teacher, and I understood these people were chemists. Whether they worked at Shell Development Corp. or not, I am not sure.

Mr. VELDE. Will you name some of them?

Dr. MAY. I don't recall the names. They were extremely nervous.

Mr. VELDE. Dr. George Eltenton was one?

Dr. MAY. Dr. George Eltenton was not. I am sure of that.

Mr. VELDE. Nor Dolly Eltenton, his wife?

Dr. MAY. No. I never have met with George or Dolly Eltenton in a small meeting of any kind.

Mr. VELDE. Allen Flanagan was a member of this study group?

Dr. MAY. No.

Mr. VELDE. Dr. Bernard Peters?

Dr. MAY. No.

Mr. VELDE. You can recall nobody who was in that group? Surely, if you taught Marxism to them, you should remember.

Dr. MAY. At the moment I don't recall any of the names. The chances are I just knew these people by their first names.

Mr. TAVENNER. Did you meet in any Communist Party meeting at which Haakon Chevalier was present?

Dr. MAY. No; not that I remember. I don't ever remember seeing him at a party meeting.

Mr. TAVENNER. Did you ever talk to him on any communistic subject?

Dr. MAY. I must have; I suppose that I must have; but I don't recall the occasions. I am sure that I talked to him about various things.

Mr. TAVENNER. He knew you at the time to be a member of the Communist Party, because you were an open member?

Dr. MAY. At what time?

Mr. TAVENNER. At the time you had your conversations with Haakon Chevalier.

Dr. MAY. That is right. I was well known to be a Communist, but nevertheless many, many people welcomed me in their homes, some of them because they had political interests similar to mine, but some of them just on personal grounds, and partly because they felt I had been unjustly treated, perhaps; I don't know. I had social contacts with all kinds of people.



Mr. TAVENNER. On the basis of your discussions with Haakon Chevalier, did you consider that he accepted the principles of communism?

Dr. MAY. I don't remember any contact with Mr. Chevalier after the time that I left the university. It seems to me he left the university too sometime along then. I don't remember the exact nature of the conversations. It would be making something up if I were to say what I thought of him at that time, really, but I think the most I can say is that it was generally considered that he was a left-winger, a Marxist. But this is just a matter of opinion and not anything upon which I could give definite evidence.

Mr. TAVENNER. Were you acquainted with Dr. Frank F. Oppenheimer?

Dr. MAY. I have met Mr. Oppenheimer.

Mr. TAVENNER. Was he known to you to be a member of the Communist Party?

Dr. MAY. No, he was not. I don't think I met him until after the war, actually. At the time I was active in the party I don't think he even lived in Berkeley, or lived in that area. I may have met him at a cocktail party or something, but I don't remember ever having met him before the war.

Mr. VELDE. Are you acquainted with Clarence Hiskey?

Dr. MAY. My first recollection of ever having heard this name was when I read in the newspapers that he was supposed to have been at my house.

Mr. VELDE. We will recess for about 5 minutes.

(Short recess.)

Mr. VELDE. The subcommittee will stand at recess until tomorrow morning at 10 o'clock.

(Thereupon, at 4:45 p. m. on Thursday, December 21, 1950, the hearing was recessed until Friday, December 22, 1950, at 10 a. m.)



# HEARINGS REGARDING COMMUNIST INFILTRATION OF RADIATION LABORATORY AND ATOMIC BOMB PROJECT AT THE UNIVERSITY OF CALIFORNIA, BERKELEY, CALIF.—VOLUME 3

FRIDAY, DECEMBER 22, 1950

UNITED STATES HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE  
COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

## EXECUTIVE SESSION

A subcommittee of one of the Committee on Un-American Activities met, pursuant to adjournment, at 10 a. m., Hon. Harold H. Velde presiding.

Committee member present: Hon. Harold H. Velde.

Staff members present: Frank S. Tavenner, Jr., counsel, and Donald T. Appell, investigator.

Mr. VELDE. You may proceed.

## TESTIMONY OF KENNETH OWNSWORTH MAY, ACCOMPANIED BY COUNSEL, SIDNEY S. SACHS—Resumed

Mr. TAVENNER. Dr. May, have you had an opportunity to refresh your recollection as to the name of the State organizer of the Communist Party?

Dr. MAY. The man whose name I was trying to remember was, I believe, called the organizational secretary. The State organizer was William Schneiderman.

Mr. TAVENNER. I meant to say secretary.

Dr. MAY. I recollected the name at the end of the session yesterday, and the name is Leo Barroway. I am not sure of the spelling, B-a-r-r-o-w-a-y, something like that.

Mr. TAVENNER. When was the last time that you saw him?

Dr. MAY. I don't think I have seen him since just before I went into the Army. I might have seen him after I came back from the Army, but I don't recollect seeing him at all. If I did, it was just by chance.

Mr. TAVENNER. Can you recall at this time the names of any of the members of the Merriman branch of the Communist Party?

Dr. MAY. I remember one person. I think he was in the Merriman branch; I am pretty certain he was. I know that he was a leader of the YCL there on the campus. His name was Justin Vanderlaan, V-a-n-d-e-r-l-a-a-n—I am going phonetically on this—a Dutch name.



The reason I could remember that is we signed some letters together that appeared in the papers. I signed for the party, and he signed for the YCL.

Mr. TAVENNER. What year was that?

Dr. MAY. In the fall of 1940.

Mr. TAVENNER. Can you recall the names of any of the others?

Dr. MAY. I can't now, no. May I reconsider that? There was another name I thought of of someone who was in the Merriman branch. His name was Ed Lee.

Mr. TAVENNER. During what period of time was he a member, to your knowledge?

Dr. MAY. I think it was during 1939 or 1940 that I knew him there as a member of the branch.

Mr. TAVENNER. I am more interested in the names of members in the period 1941 to 1943.

Dr. MAY. Well, of course, in the period 1941 to 1943 I was not in that branch. You see, I left the university, and I was working mainly down in Oakland, which is contiguous to Berkeley, but not the same place, and I didn't have much contact with the campus branch during that period.

Mr. TAVENNER. You were asked questions yesterday regarding Haakon Chevalier, Dr. Frank Oppenheimer, and George Charles Eltenton.

Were you also acquainted with J. Robert Oppenheimer?

Dr. MAY. Yes; I was.

Mr. TAVENNER. I want to read you an excerpt from the testimony of Louis J. Russell, now senior investigator of this committee, relating to these individuals and also Louise Bransten. Did you know Louise Bransten?

Dr. MAY. I met her. I think perhaps I saw her once or twice.

Mr. TAVENNER. Let us stop for a moment and inquire more about Louise Bransten. What was the character of your association with her?

Dr. MAY. I wouldn't say really that I was associated with her. I met her socially at some sort of cocktail party or tea party in San Francisco. I don't recall at whose home it was. It was at some big home, and it was just a general gathering of left-wing people, but not particularly party people. It didn't have any definite party connotation. I was simply introduced to her. I had heard of her and remembered her, and I remember reading of her in the papers since. I don't believe I ever had a conversation with her.

Mr. TAVENNER. Did you ever sit in a Communist Party meeting with her?

Dr. MAY. I am quite sure that I didn't. I don't recollect ever seeing her at such an affair.

Mr. TAVENNER. Do you have any information upon which you could base a statement that she either was or was not a member of the Communist Party?

Dr. MAY. I have no information of my own knowledge.

Mr. TAVENNER. Do you have any information from records of the Communist Party?

Dr. MAY. No, sir.

Mr. TAVENNER. Or from the collection of dues from Communist Party members?

Dr. MAY. No, sir. The reason I qualified my answer was, the only sort of information I have is the sort of thing that she was generally reputed to be left-wing in her views, but I don't know any more about her than that.

Mr. TAVENNER. I will read a part of Mr. Russell's testimony to you.

Mr. SACHS. Mr. Tavenner, would you mind giving us the page and the date, and so forth?

Mr. TAVENNER. This testimony is taken from volume 2 of the Hearings and Reports of the Committee on Un-American Activities for the year 1947, and appears on page 520:

Mr. STRIPLING. Do you have any information regarding further association between Bransten, Louise Bransten, and Eltenton?

Mr. RUSSELL. Yes; it is known that Louise Bransten at one time attempted to secure employment for Dolly Eltenton with the American-Russian Institute through Gregory Kheifets. Also Louise Bransten requested Eltenton to send a telegram of congratulations to a Russian scientific society in the Soviet Union, and during the month of July 1940 it was sent. The person in charge of this scientific gathering in Soviet Russia was an individual known as Peter Kapitza.

Mr. STRIPLING. Mr. Russell, tell the committee whether or not Eltenton was ever contacted by an official of the Soviet Government regarding espionage activity.

Mr. RUSSELL. Yes; during the year 1942, the latter part, Eltenton was contacted by Peter Ivanov, whom I have identified as a vice consul of the Soviet Government and a secretary in its consulate in San Francisco. Ivanov requested Eltenton to secure information concerning some highly secret work which was being carried on at the radiation laboratory at the University of California. Ivanov offered Eltenton money in return for his cooperation in securing information regarding the secret work which was being conducted at the University of California at Berkeley in its radiation laboratory.

Mr. STRIPLING. Do you know whether or not Eltenton, in furtherance of this offer, contacted anyone else?

Mr. RUSSELL. Yes; in order to cooperate with Ivanov he approached Haakon Chevalier, who was a professor at the University of California——

Mr. STRIPLING. Just a moment. Is he the same person who was a writer in the film industry for several years?

Mr. RUSSELL. I have no information concerning his occupation in the film industry.

Mr. STRIPLING. All right, proceed.

Mr. RUSSELL. And requested him to find out what was being done at the radiation laboratory, particularly information regarding the highly destructive weapon which was being developed through research. Eltenton told Chevalier that he had a line of communication with an official of the Soviet Government who had advised him that since Russia and the United States were allies Soviet Russia should be entitled to any technical data which might be of assistance to that nation.

At the time of this particular conversation Chevalier advised Eltenton that he would contact a third person who was working in the radiation laboratory and attempt to secure information regarding the type of work conducted there or any information which he could regarding technical developments which might be of assistance to the Soviet Government.

Mr. STRIPLING. Mr. Russell, can you tell the committee whether or not Mr. Chevalier did contact a scientist employed in the radiation laboratory?

Mr. RUSSELL. Yes; Chevalier approached this third person.

Mr. STRIPLING. Was that third person J. Robert Oppenheimer?

Mr. RUSSELL. That is right; Chevalier approached this third person, J. Robert Oppenheimer, and told him that George Charles Eltenton was interested in obtaining information regarding technical developments under consideration by the United States and also that Eltenton was interested in obtaining information regarding the work being performed at the Radiation Laboratory at the University of California. This third person——

Mr. STRIPLING. Just a moment. Did Chevalier tell J. Robert Oppenheimer that he had the means of communication whereby he could transmit such information to the Soviet Union?

Mr. RUSSELL. Yes; he did. He told J. Robert Oppenheimer that Eltenton had a source through which he could relay the information to the Soviet Government.

Mr. STRIPLING. What did Mr. Oppenheimer reply to this approach on the part of Mr. Chevalier?

Mr. RUSSELL. He said that he considered such attempts as this to secure information a treasonable act and that he certainly would not have anything to do with such a thing.

Is it not true that Steve Nelson mentioned the subject of this testimony regarding the aborted effort to obtain information from Dr. J. Robert Oppenheimer to you?

Dr. MAY. You mean at that time?

Mr. TAVENNER. At that or any other time.

Dr. MAY. Steve Nelson has mentioned this, not as a fact, but he has mentioned this allegation to me on one occasion.

Mr. TAVENNER. Tell us about that.

Dr. MAY. Well, sometime—I am not sure of the exact time but it was probably in 1947 or 1948—Steve Nelson phoned me from Minneapolis, and I hadn't heard from him, really, since the war, and so I went up to see him, and we just sat and talked for a little while, and he said something about—this was after some newspaper reports had come out along the lines you have just read, and he made some reference to this.

I assumed, when I read this in the newspaper, that it was just someone romancing. I didn't take it very seriously, and he didn't talk about it as though it were true, but he made some reference to it, that the origin of the story must be that someone had told some kind of tale to the FBI or somebody; that somebody must have told some sort of tale; and he intimated that the person who probably had done that was Eltenton. He said probably Eltenton had told some tale like this, and apparently the reason he gave for saying this was that Eltenton had left the country, was no longer in the country.

It seemed sort of strange to me. I didn't get too much sense out of his making this comment, and I didn't comment on it and he didn't say anything further, and that was all. It was just a brief interchange.

Mr. TAVENNER. He called you from what place?

Dr. MAY. Minneapolis. I live quite near Minneapolis.

Mr. TAVENNER. Did he make a special trip there to see you about this matter, as far as you know?

Dr. MAY. I don't know. I don't think so. He just said he was in town on some business. I didn't discuss party matters with him at all. I didn't want to get involved in party matters.

Mr. TAVENNER. When he called you, I take it it was on the telephone?

Dr. MAY. That is right.

Mr. TAVENNER. Did he tell you what the purpose of his calling you was?

Dr. MAY. No. He just said "Hello" and who he was. I hadn't seen him for a long time. I had known him as a person and liked him as a person, as well as worked under him in the party, and it was natural I wanted to see him and ask how his family was and so forth.

Mr. TAVENNER. I think you had lived with him at one time?

Dr. MAY. That is right, and I saw no reason why I shouldn't see him, although I assumed he was still an official of the party, but I



tried, when I saw him, not to get involved in any party discussion. I asked about his wife and children and how he was getting along.

Mr. TAVENNER. Did you gain the impression that the purpose of his calling you was to discuss this matter with you?

Mr. SACHS. Which matter was that?

Mr. TAVENNER. The matter of Eltenton and the approach to J. Robert Oppenheimer.

Dr. MAY. This possibility has not occurred to me until now, that that is why he wanted to see me. I just assumed he wanted to see me because he liked me and so on; we were friends.

Mr. TAVENNER. Is that the only time that he ever called you?

Dr. MAY. That is right. I mean, the only time since the war. Of course, when I was working with him he called me.

Mr. VELDE. Do you recall anything other than what you have said about this conversation?

Dr. MAY. I just want to explain why I cut off the conversation. I didn't want to get involved in any such conversation. The fact he mentioned the matter at all made me a little uncomfortable. It did make me feel uncomfortable, but I didn't feel he had a definite purpose in seeing me.

Mr. TAVENNER. Try to recall just what Nelson said to you about it.

Dr. MAY. I don't think I can recall any more than I have just told you.

Mr. TAVENNER. Did Nelson then indicate to you that any additional effort had been made to obtain information from anyone in Radiation Laboratory?

Dr. MAY. He didn't even indicate that any effort at all had been made. We didn't discuss it on the basis that anything had really happened at all. He just made this comment, and I dropped the matter. I didn't want to discuss it any more.

Mr. TAVENNER. Did he mention the name of Dr. Weinberg to you?

Dr. MAY. No; he didn't. Dr. Weinberg's name did not come up at all while we were talking.

Mr. TAVENNER. Did he mention the name of Dr. Weinberg to you at any time while you were in California working in the party?

Dr. MAY. I don't recall discussing Dr. Weinberg with him at any time.

Mr. TAVENNER. Did Steve Nelson mention to you at any time while you were actively engaged in the work of the party that any effort had been made or would be made to obtain information from Dr. J. Robert Oppenheimer?

Dr. MAY. I don't recall his ever discussing anything like that at all; no. To answer this more broadly, I don't recall ever discussing with Steve Nelson the obtaining of information from anybody; that is, illegal or unauthorized information.

Mr. VELDE. Have you ever attended a meeting social or otherwise, with Haakon Chevalier and Dr. J. Robert Oppenheimer?

Dr. MAY. Yes. I am sure I must have been on many occasions at social events with them.

Mr. VELDE. And was George Eltenton present?

Dr. MAY. I don't recall ever seeing the three of them together. It is undoubtedly true that they were present at parties together, but I don't ever recall seeing them together. I do recall seeing Dr.

Oppenheimer and Dr. Chevalier together. They were both professors at the university, and Eltenton was not.

Mr. VELDE. Do you recall any social meetings in Chevalier's home?

Dr. MAY. I think on a number of occasions I was at his home.

Mr. VELDE. At which Dr. J. Robert Oppenheimer was present, too?

Dr. MAY. Yes.

Mr. TAVENNER. You stated you lived with Steve Nelson at one time. Will you state when that was and where you lived?

Dr. MAY. I lived with him from some time in the first half of 1942 until the late summer of 1942, a period of a few months.

Mr. TAVENNER. At what address?

Dr. MAY. It was on Grove Street near a cross street that I have forgotten what it was called then, but after the war it was called MacArthur Boulevard. I remember noticing they had named the avenue MacArthur. But I don't remember the number of the house.

Mr. VELDE. Were you ever in his home after he moved from that Grove Street address to Berkeley?

Dr. MAY. I didn't know that he moved to Berkeley. I was in a home somewhere else that he had after that.

Mr. VELDE. After that?

Dr. MAY. That is right.

Mr. VELDE. That was during the war; wasn't it?

Dr. MAY. I am not sure just when it was. It may have been at some time when I was home on leave from the Army, possibly 1943 or 1944. I think I was there only once; maybe twice.

Mr. VELDE. Do you recall anything about your conversation with him at that time, and what the occasion was?

Dr. MAY. I think the occasion was simply that I was home on leave and I just dropped in on him to be friendly, and played with his little daughter, and talked to his wife, and steered clear of anything too political, because I felt that being in the Army and not connected with the party, I should be correct about such things, and I didn't want to get involved in anything political.

I think I should explain to the committee that my relation with Steve Nelson, although I have no contact with him now, he was for a time the closest thing I had to a family, and I felt a certain personal attachment to him. He had always been very nice to me, and when I came to his house to live I was in poor health and underweight, and his wife fed me well and I was in good shape to go in the Army; and if I were to see him now I feel I should greet him as a former friend, at least. I don't feel I am his friend now.

Mr. TAVENNER. I wish you would tell us what he told you, as nearly as you can remember, about the reported effort to approach Dr. Robert Oppenheimer.

Dr. MAY. The only reason I remember it is that it seemed to me a little strange that he said anything to me about it at all.

I cannot remember exactly what was said but the conversation may have gone something like this. He asked if I had noticed certain reports in the paper, and I said I had read about it, and shrugged my shoulders. He said, "Well, someone must have given this story to whoever it was given to, the FBI or whoever it was given to." Then he said, "As far as I can see, it must have been Eltenton, since he has left the country."

I didn't know Eltenton had left the country, and I didn't see any particular reason why that would indicate he had told somebody, but I didn't want to get involved, so I made some remark such as, "So what?" or "What could he say?" and let the subject drop.

Mr. TAVENNER. Did you gain the impression that Steve Nelson was trying to ascertain the extent of your knowledge concerning that incident?

Dr. MAY. I didn't think of it at the moment, and didn't see it until now. I can see now maybe he was fishing.

Mr. TAVENNER. What else did you discuss?

Dr. MAY. We didn't discuss anything else in particular. We talked quite a while, about the war situation, his family, my family, and so on. I just assume we talked about this. I don't actually recall just what we said.

Mr. TAVENNER. The entire conversation was about normal matters people would normally converse about when meeting, except this one thing?

Dr. MAY. That people would normally converse about who were associated in the way we were. He asked how I was getting along because of my past difficulties because of the party, and so on. I didn't spend much time figuring what this one thing meant. I wasn't particularly interested.

(Witness confers with his counsel.)

Dr. MAY. I had gone on the assumption that there wasn't the slightest truth in anything I had read, and although this question didn't indicate there was truth to it, it didn't seem to completely jibe with the fact there was no truth to it, and it startled me, and I answered as though there were no truth to it. I think he dropped the subject as much as I did. So if he was fishing, he must have gotten the impression by my answer that I didn't know anything about it.

Mr. TAVENNER. Going back to the time when you were closely associated with Nelson in Communist Party work, did not you and Nelson discuss prospective members of the Communist Party between you? Did you not, in the course of your discussions, consider whether this person or that was sympathetically inclined to the work in which you were engaged?

Dr. MAY. Yes, undoubtedly we must have done that to some extent, though most of the recruiting of individuals into the party was by members meeting their friends. That wasn't done by officials. We didn't go into that.

Mr. TAVENNER. If the individuals were persons of prominence, it would have been most natural for you and Steve Nelson to discuss the possibility of their being sympathetically inclined to your work?

Dr. MAY. We undoubtedly discussed the political views of all kinds of people.

Mr. TAVENNER. Do you recall discussing Dr. J. Robert Oppenheimer with Steve Nelson?

Dr. MAY. I am sure we must have, but I don't specifically recall any occasion when we did. I am sure we must have discussed his views and so on.

Mr. TAVENNER. Do you not think you discussed with him, or Steve Nelson with you, the importance of the association of Dr. J. Robert Oppenheimer with the Communist Party, the Communist movement?



Dr. MAY. I never really discussed the importance of it. I don't recall actually the conversation, but——

Mr. VELDE. You are acquainted with Mrs. J. Robert Oppenheimer; are you not?

Dr. MAY. I was acquainted with her. I haven't had any contact with her for a long time, but I met her.

Mr. VELDE. Were you acquainted with her former husband, her deceased husband, who died in the Spanish civil war?

Dr. MAY. I have heard of him, but I wasn't acquainted with him.

Mr. VELDE. Did you know her as a member of the Communist Party?

Dr. MAY. No.

Mr. VELDE. She was a close friend of Steve Nelson's also; wasn't she?

Dr. MAY. I understood that she was a close friend. Steve Nelson and I never sat down and talked about it, but I gathered from things he said that he knew her because he knew her husband well; and, also, I gathered that her husband was killed in Spain at a time when Steve Nelson was present; that there was some close personal bond between Steve Nelson and her husband. I am not sure of her husband's name. Steve Nelson talked of close friends in Spain and mentioned that Mrs. Oppenheimer's husband was a close friend.

Mr. VELDE. Did Mrs. J. Robert Oppenheimer make a trip back to Spain during 1940 or 1941?

Dr. MAY. That I don't know. I don't think I had met her at that time. I met her through Professor Oppenheimer.

Mr. VELDE. Did you ever discuss with Steve Nelson his acquaintanceship with Togliatti?

Dr. MAY. No. I didn't know that he knew Togliatti.

Mr. VELDE. You know who Togliatti is?

Dr. MAY. I know who Togliatti is.

You asked me a question to which I did not complete the answer, whether I had ever discussed the importance of Prof. J. Robert Oppenheimer with Steve Nelson. I don't recall any conversation, but let me say this: My conception at the time of the importance of J. Robert Oppenheimer was simply that he was a very brilliant man, a very brilliant man, and I have gone to see him, and have discussed things with him at social gatherings. I have gone to his home specifically to talk to him. My purpose was more to learn than anything else, because he was very brilliant, and what he said was always very interesting. And it was for such conversations that on a couple occasions I went to his home with Steve Nelson. We discussed political problems and such things, and even when we disagreed with him, it was always stimulating to talk to Dr. Oppenheimer.

Mr. TAVENNER. Did you gain from some other source a knowledge or belief that he was a member of the Communist Party?

Dr. MAY. No, I didn't. He spoke to us as an independent person.

Mr. TAVENNER. In connection with your work with Steve Nelson, did you not learn that he was interested in obtaining information——

Dr. MAY. That Steve Nelson was?

Mr. TAVENNER. That Steve Nelson was interested in obtaining information that was possessed by scientists in that area regarding secret Government projects?

Dr. MAY. I don't recall any such conversations with Steve Nelson, and if such a conversation had taken place, I would have been incensed about it.

Mr. TAVENNER. The place at which you lived with Steve Nelson, was that 3720 Grove Street?

Dr. MAY. I am not sure. It was on Grove Street right near MacArthur Boulevard.

Mr. TAVENNER. Let me ask you if you were acquainted with any of the following persons as to whom the committee has information were members of the Communist Party:

Walter McElroy.

Dr. MAY. This name doesn't mean anything to me.

Mr. TAVENNER. Organizer, unit 131.

Dr. MAY. I never heard of a unit 131.

Mr. TAVENNER. I believe it was the professional section of the Communist Party.

Mr. VELDE. Where was that, Mr. Counsel, Oakland?

Mr. TAVENNER. I think it was in San Francisco.

Dr. MAY. You understand, I am not saying that no such unit ever existed, but it doesn't mean anything to me.

Mr. TAVENNER. Walter Herrick.

Dr. MAY. This name doesn't mean anything to me.

Mr. TAVENNER. Velda Johnson?

Dr. MAY. No, sir.

Mr. TAVENNER. Chandler Weston?

Dr. MAY. No, sir. Perhaps these aren't real names.

Mr. TAVENNER. I have before me a list of those who registered as Communist Party members in Alameda County, furnished by the clerk of the court of that county on November 10, 1942. I will read to you the names of the persons from Berkeley, and I will ask you if you knew them and whether or not they were members of the Merri-man branch, or what branch of the Communist Party they were members of.

Mrs. Malvina Reynolds.

Dr. MAY. Yes, I knew her.

Mr. TAVENNER. What was her affiliation with the Communist Party?

Dr. MAY. She was a member of different branches at different times; never a member of the campus branch, I don't think. I don't think she was ever a student at the university. I think she was a member of a geographical branch, different ones at different times, perhaps.

Mr. TAVENNER. In Berkeley?

Dr. MAY. I knew her there in Berkeley.

Mr. TAVENNER. She gave her occupation as a copy reader. Does that help you identify her?

Dr. MAY. Yes. There is no doubt of my knowing her and knowing who she was. I think probably at the time she registered here she was working for the Daily People's World in San Francisco, and that is why her occupation is listed as copy reader.

Mr. TAVENNER. Mrs. Vivian R. Patterson.

Dr. MAY. I don't know this name. I should explain to the committee that sometimes people registered as Communists to help keep the Communist Party on the ballot, and that was the only political thing, or almost the only political thing, they did.

Mr. TAVENNER. Mrs. Hattie D. Shirek.

Dr. MAY. I knew her; not well, but I met her.

Mr. TAVENNER. With what group was she affiliated?

Dr. MAY. I think she was affiliated with different neighborhood branches in Berkeley.

Mr. TAVENNER. Fred Vast, newspaperman, Berkeley.

Dr. MAY. I know that name, but I am not sure I can link it with a definite person. I think he was a student at the university at one time, and when he registered as a Communist, perhaps he was working for the People's World or some other paper; I don't know.

Mr. TAVENNER. Witter De Vere Hahn.

Dr. MAY. I don't know this name.

Mr. TAVENNER. Percy T. Hunt, machinist helper.

Dr. MAY. I don't know this name.

Mr. TAVENNER. Joseph Hendrickson, barber.

Dr. MAY. I think I know who this was. I didn't know him personally, but I think I got my hair cut at his barber shop a few times. I couldn't positively identify the man, but it suggests to me there was a barber who was understood to be sympathetic to the Communist Party, and he had his shop in West Berkeley.

Mr. TAVENNER. Do you know what group he was affiliated with?

Dr. MAY. I don't know that he was affiliated with any group. I doubt that he was. I believe he is one of the people that probably this was the only political thing he did.

Mr. TAVENNER. Frank Hjalmer Wahlander, tailor, W-a-h-l-a-n-d-e-r.

Dr. MAY. I think I know who this man is, although it seems to me that the name is misspelled. It doesn't quite seem right.

Mr. TAVENNER. If he is the person to whom you have reference, what group was he affiliated with?

Dr. MAY. If this is the man I am thinking of, he was a tailor who lived in West Berkeley.

Mr. TAVENNER. 2316 Tenth Street?

Dr. MAY. Well, he lived on Tenth Street. I don't remember the number. He must have belonged to a neighborhood branch down in that area. He was Finnish, and there was probably a group of Finns there of which he was one. But I have a feeling there was a time when he became inactive. I recall going to talk to him, because he was a person who knew what was going on among the Finns, and I would sit and talk to him about what was going on.

Mr. TAVENNER. John Polkki, stevedore.

Dr. MAY. I don't know that name.

Mr. TAVENNER. Leonard Newman?

Dr. MAY. I think I have heard that name, but I don't think I can identify that person.

Mr. TAVENNER. Mrs. Rhoda Linnea Samples, housewife.

Dr. MAY. I am not acquainted with that name.

Mr. TAVENNER. Justin Vanderlaan, student.

Dr. MAY. He is the person I mentioned before. He was a student at the university.

Mr. VELDE. He was the one who was organizer for the YCL?

Dr. MAY. I am sure at one time he was.

Mr. TAVENNER. George A. Kauffman, shipyard worker.

Dr. MAY. I knew him. I suppose he belonged to one of the neighborhood branches.



Mr. TAVENNER. Mrs. Ruth McGovney May, machinist.

Dr. MAY. She was my first wife. I have been married twice. My present wife, I was not married to her at that time. As a matter of fact, my first wife and I were separated at the time she registered, but she still had the name of May.

Mr. TAVENNER. What branch of the Communist Party was she affiliated with?

Dr. MAY. I am not sure what branch she was affiliated with at that time. I was separated from her at the time.

Mr. TAVENNER. What branch was she affiliated with that you last knew of?

Dr. MAY. She was affiliated with one of the neighborhood branches in Berkeley when we were living together.

Mr. TAVENNER. Do you remember the name or designation of it?

Dr. MAY. Perhaps it was called the West Berkeley branch.

Mr. VELDE. She now goes by the name Ruth McGovney, since the divorce?

Dr. MAY. Yes. She returned to her maiden name.

Mr. VELDE. What was her later work, after the divorce?

Dr. MAY. I think she had some employment with the CIO, some kind of research work. It was some sort of research activity, but I didn't see a great deal of her. I don't know exactly her employment record.

Mr. TAVENNER. Do you know where she is now?

Dr. MAY. No, I don't.

Mr. VELDE. Wasn't she employed by Dr. Bernard Peters?

Dr. MAY. I didn't know this.

Mr. TAVENNER. What was her last employment that you know of, her last place of address?

Dr. MAY. I think we exchanged letters once since the war, and she wrote from Berkeley, and I replied. This was perhaps 2 years ago, or a year or 2 ago.

Mr. TAVENNER. Muriel Weiner, student.

Dr. MAY. This name doesn't recall anything to me.

Mr. TAVENNER. Mrs. Jean C. Lien, housewife.

Dr. MAY. I knew her.

Mr. TAVENNER. With what group was she affiliated?

Dr. MAY. She was affiliated with one of the neighborhood groups. She was just a housewife in Berkeley.

Mr. TAVENNER. Mrs. Merry Morgan Raas, Reader University.

Dr. MAY. What is that name again?

Mr. TAVENNER. Mrs. Merry Morgan Raas, R-a-a-s, address 2818 Shasta Road.

Dr. MAY. I couldn't identify this person at all. The last name is very vaguely familiar to me. The address doesn't mean anything to me.

Mr. TAVENNER. Richard Cloke.

Dr. MAY. I met him.

Mr. TAVENNER. With what group was he affiliated?

Dr. MAY. He was a student at one time and I think he was in the YCL.

Mr. TAVENNER. Mrs. Shirley J. Cloke, housewife.

Dr. MAY. I imagine this must be the wife of the man you just mentioned. I met her. I didn't know her too well, but I met her.

Mr. TAVENNER. Edward W. McGuckin.

Dr. MAY. This doesn't mean much to me.

Mr. TAVENNER. A welder.

Dr. MAY. It doesn't mean anything to me.

Mr. TAVENNER. Mrs. Paula Rodriguez, R-o-d-r-i-g-u-e-z.

Dr. MAY. I don't know this name.

Mr. TAVENNER. Frank Walter Parsons, salesman.

Dr. MAY. Yes, I knew him.

Mr. TAVENNER. With what group was he affiliated?

Dr. MAY. I knew Frank Parsons quite well because he was a candidate, I think, for the Berkeley City Council, or for some other office in Berkeley, at the same time I was a candidate for office, and he was always affiliated with one or another of the geographical branches.

Mr. TAVENNER. Frank Walter Sullivan, machinist.

Dr. MAY. I have heard of him, but I don't think I ever met him.

Mr. TAVENNER. Do you know what group he was affiliated with?

Dr. MAY. I don't think he was affiliated with any group. As I remember, my impression about this man is that he was not active in the party at the time I was there. I am not absolutely sure of that, but I think I had some such impression about him.

I think I ought to say that it is possible I may have known all of these people without knowing their names. That is quite possible.

Mr. TAVENNER. We have information that Wilhemina Lowrey lived in the home with Bernadette Doyle. Were you acquainted with her?

Dr. MAY. I was acquainted with her; yes.

Mr. TAVENNER. Was she a Communist Party member?

Dr. MAY. I think she was. I feel pretty certain she was.

Mr. TAVENNER. What group was she affiliated with?

Dr. MAY. I think it must have been one of the geographical branches in Berkeley.

Mr. VELDE. Did she work in Communist Party headquarters at Oakland?

Dr. MAY. Not while I was there. She managed a book shop. Actually, at one time she managed two book shops, one in Berkeley and one in Oakland. My association with her was based on the fact that I worked with her on problems concerning the book shops. Although the book shops were not owned by the party, we worked in a friendly sort of way with the book shops.

Mr. TAVENNER. Dr. Weinberg testified before the committee that he attended a Communist Party meeting which took place some place in downtown Oakland in a rather seedy little hall, and a very talkative lady spoke very indignantly and heatedly about subjects which he had since forgotten. This took place in 1941, probably late in 1941. Can you assist us in identifying the meeting and the person who spoke, and also the place of the meeting?

Dr. MAY. I am afraid I can't, because I must have attended thousands of meetings where talkative ladies spoke heatedly about things in a small hall in Oakland. I can't separate the meetings. However, I doubt that that was Mrs. Lowrey. That doesn't sound like Mrs. Lowrey. Mrs. Lowrey was a very capable public speaker and spoke with great force, but very calmly and according to the best techniques of public speaking. In fact, she taught classes in public speaking.

Mr. TAVENNER. Where?

Dr. MAY. She probably taught many places. I recall she taught at the Oakland Workers' School in Oakland, I think.

Mr. TAVENNER. Was that a school sponsored by the party?

Dr. MAY. I don't know if it was officially sponsored by the party or not, but it was supported by the party.

Mr. TAVENNER. What was the exact name of the school?

Dr. MAY. I think it was called the Oakland Workers' School. I am not sure. Or the East Bay Workers' School.

Mr. TAVENNER. Do you recall Dr. Weinberg being present at any meeting which you attended?

Dr. MAY. No, I don't.

Mr. TAVENNER. Were you acquainted with Libby Burke?

Dr. MAY. This name doesn't mean anything to me, except that I have been asked the question whether I knew her before, but that is the only time I recall hearing that name.

Mr. VELDE. I wonder if you would describe the Communist Party headquarters in Oakland to the committee, where it was located, and who occupied the offices at the time you were there.

Dr. MAY. We were at two locations at different times. The first location, I have forgotten the street number, but it was on the main central street of downtown Oakland, but a little below the main business district, in a run-down part of the main street. It was in an upstairs office, two rooms. In the front room there were some books on display, and in the inner office, we modified it from time to time, but at one time I remember there were three different partitions, and I occupied one of these places, and Paul Crouch occupied another at one time, and later Steve Nelson occupied one of these, and Charles Drasnin occupied one at one time.

The other headquarters was on a different street. I am not sure of the name of the street, but it was a street parallel to the main street in Oakland, a couple blocks away from the main street. This was again an upstairs—wait a minute. Did the party actually occupy that as headquarters? No. Excuse me. I will have to change that. I think at the time I was there the only office that the party occupied was this one I first described on Broadway. In the other location I was thinking of there was a book store, and at one time this Oakland Workers' School had its offices there. I think the People's World, San Francisco newspaper, had its offices there at one time. But I never occupied a party office there. I was interested in the school and was there in connection with the school, but not in connection with the party.

Mr. VELDE. That was two blocks east of Broadway?

Dr. MAY. I think so. It might have been three.

Mr. VELDE. How many offices were there, how many rooms?

Dr. MAY. At that location?

Mr. VELDE. Yes.

Dr. MAY. When I last remember, this was used as the location of the school, and I think there were perhaps three different rooms upstairs.

Mr. TAVENNER. Were you acquainted with Rena Vail?

Dr. MAY. This name doesn't recall anything to my mind.

Mr. TAVENNER. Dr. May, did you at any time hold membership in the Federation of Architects, Engineers, Chemists, and Technicians?



Dr. MAY. No, sir; I never did.

Mr. TAVENNER. Were you acquainted with Marcel Scherer, an organizer for FAECT?

Dr. MAY. I met him.

Mr. TAVENNER. What was the extent of your acquaintanceship with him?

Dr. MAY. I think I met him altogether perhaps two or three times. I was introduced to him as an organizer for the FAECT, and I chatted with him about union matters, which I often did with union people that I met.

Mr. TAVENNER. And your official position at that time was what?

Dr. MAY. At that time my official position was—I am not sure if it was when I was educational director or organizational secretary, but I was an official of the party.

It was quite frequent for party people to go, and on their initiative, talk to union officials and discuss general problems with them, sometimes offering assistance to the union in some problem that was coming up, and sometimes just discussing general questions.

Mr. TAVENNER. Did he seek assistance of any kind from you or from the Communist Party?

Dr. MAY. He didn't from me. I had the impression that I was just introduced to him because he was a person of some prominence in the trade-union movement and I ought to know him. I had no dealings with him. It was a matter of having lunch together once or twice.

Mr. TAVENNER. From your conversation with him, did you learn he was a member of the Communist Party?

Dr. MAY. We never discussed that at all. I might also say that that was the sort of thing people did not discuss. I never asked people whether they were members of the party, and they never raised the question that I was. It was one of those things we just didn't talk about.

Mr. TAVENNER. Was there a Communist Party cell in the FAECT?

Dr. MAY. I don't know whether there was or not. It was generally thought that there was; I will say that.

Mr. TAVENNER. As organizational secretary, didn't the funds resulting from the collection of dues pass through your hands?

Dr. MAY. Yes, but they might have been disguised in some way.

Mr. TAVENNER. Was that the practice, to disguise the funds?

Dr. MAY. Everything came in rather general terms. A branch would have some name that didn't necessarily indicate what it was. I imagine if any people in FAECT were in the Communist Party they wanted to conceal it, because they feared job discrimination.

Mr. TAVENNER. I have just been handed information indicating that Ruth McGovney was secretary of the San Francisco division of the Federation of Architects, Engineers, Chemists, and Technicians on January 29, 1946. Do you have any information regarding that?

Dr. MAY. I didn't know this. When I got out of the Army I saw her, I believe, once or twice, and she told me she was working for the CIO, but I don't recall what the nature of her work was, exactly.

Mr. APPELL. Dr. May, the records of the committee contain proxies from members of the State central committee of the Communist Party for attendance at the State central committee meeting at Sacramento, in the year 1940. As a proxy to Charles G. Drasnin,

whom you have identified, your name is listed, together with the names of Frank H. (Bimbo) Brown; Eddie Marie Cobb; Alfred Newell Johnson; Lorine Kinz; and George B. Seel.

Are you acquainted with all of those individuals?

Dr. MAY. Yes, I am. Or I was, I should say.

Mr. APPELL. To what group or cell was Frank Brown assigned, to your knowledge?

Dr. MAY. Frank Brown was a longshoreman or a warehouseman, so he might have been in a group of longshoremen at one time, or at another time he might have been in a neighborhood group, depending on circumstances.

Mr. APPELL. Eddie Marie Cobb.

Dr. MAY. She was in a neighborhood group.

I don't recollect an occasion when I gave my proxy to somebody else. To whom did I give it?

Mr. APPELL. To Charles Drasnin.

Dr. MAY. It must have had something to do with this State committee meeting. It was just a formality; they met and adjourned. So I think people gave their proxies to somebody else. They just met and adjourned.

I think "Bimbo" Brown and Johnson and Kinz were candidates for office on the Communist Party ballot, and they automatically were on this committee, the same as I was. Of course I knew them, because I worked a great deal on this election matter.

Mr. APPELL. To what group was Alfred Newell Johnson assigned?

Dr. MAY. I think he was assigned to the YCL, but he wasn't very active.

Mr. APPELL. Was he a student at the university?

Dr. MAY. Not at that time. I have the impression that later he became a student.

Mr. APPELL. This proxy was signed in September 1940. Do you think it was later that he attended the university?

Dr. MAY. Yes, but this seems strange. Could you explain to me how I happened to be giving a proxy to someone at this time?

Mr. APPELL. I am quoting to you from the report of Investigators James H. Steedman and William N. Dunstan covering their activities for the Special Committee on Un-American Activities for the period November 9 through November 15, 1941, in which they enclose and make a part of their report a list of Communist Party proxies from duly qualified members of the State central committee of the Communist Party for attendance at the State central committee meeting at Sacramento in the year 1940. The month of the meeting is not given in the report.

Dr. MAY. I had forgotten that I was a member of the State central committee at that time. It must have been that I was one of those elected in the primary election. It was my memory that the only people on the State central committee were candidates for office, but evidently there were some elected, and I must have been one of those, but I still don't remember the incident at all.

Mr. APPELL. You have identified Lorine Kinz as a person you knew?

Dr. MAY. Yes.

Mr. APPELL. During the time you were active in the Communist Party in California, to what cell or group was she assigned?

Dr. MAY. She belonged to a branch in West Oakland.

Mr. APPELL. Was she at any time a student at the university?

Dr. MAY. I am quite sure she was not.

Mr. APPELL. Another proxy was given to Charles Drasnin by George B. Seel. To what group or cell of the Communist Party was Mr. Seel assigned?

Dr. MAY. I am not sure of this. He worked in the office, not as an official of the party, but as a sort of office helper, not a secretary, but he did things such as keep the office clean and sell literature, and he undoubtedly belonged to some branch in the central Oakland area, or different branches. He was an elderly man.

Mr. APPELL. I would like to read a list of the persons to or from whom proxies were issued, and ask you to break in only after I mention a name when you know that person to have been a student at the university:

Richard Jaramillo  
James McGowan  
Harold Allinger

Bernard J. Chevraux  
Emil Freed

Dr. MAY. Just a moment. I have heard the name Emil Freed, and it is possible he was at the university. I am not positive, but the name is a little familiar. It rings a little bell. I am not sure he was a student.

Mr. APPELL (continuing reading):

Louis Baron  
Mrs. Mollie Buchman

Salman N. Buchman  
Mrs. Tassia Freed

I assume she was the wife of Emil Freed?

Dr. MAY. I don't know.

Mr. APPELL (continuing reading):

Jack Ginsburg  
Mrs. Annie Goldberg  
Henry Steinberg  
Mrs. Sarah Kusnitz

Mrs. Edith Rapport  
George Rapport  
Miss Celeste Strack

Dr. MAY. Miss Celeste Strack was a student at the University of California at Los Angeles at the time I was an undergraduate, and I knew of her because she was expelled from the University of California at Los Angeles for Communist activities. Her case was a very famous one.

Mr. APPELL. She was a leader of the American Student Union, was she not?

Dr. MAY. I don't know. I think at a later time she was a graduate student at the University of California in Berkeley, but not at the time I was a member of the party there.

Mr. VELDE. Did I understand you to say you did not know George Rapport?

Dr. MAY. I have heard the name, but that is all I know about it.

Mr. APPELL (continuing reading):

Charles Griecus  
Margaret F. Waegell  
Robert Wood  
Albert J. Lima  
John R. Heino  
Mrs. Helen Lima  
Mrs. Nora Cecel Woodhurst

Clarence Paton  
Mrs. Clara Fetrow  
John E. Hughes  
Mrs. Lola Hughes  
Gertrude R. Stoughton  
Pettis Perry



Do you know of the activities of Pettis Perry?

Dr. MAY. I knew Pettis Perry, but I am sure he was never a student at the University of California.

Mr. APPELL. At the time you knew Pettis Perry, did he hold an official position with the Communist Party?

Dr. MAY. Yes; he did. He was an official of the Communist Party in Los Angeles. I have forgotten his exact position there. He ran for office in the State of California in 1942 when I did, and on occasion I traveled with him or spoke with him.

Mr. APPELL (continuing reading):

Mrs. Gertrude Betts  
Mrs. Mary Butler  
Mrs. Leona Chamberlin  
Samuel W. Jones  
Mrs. Viola M. Maddox  
Helen Maloff  
James C. McLean  
Mrs. Miriam Moore  
Edwin J. Nelson  
Herman N. Steffens  
Mrs. Forrest G. Thompson  
Mrs. Adele R. Young  
John Polkki  
George R. Ashby  
Howard R. Barnhart  
Mrs. Nellie Barnhart  
Mrs. Nellie M. Bongye

Mildred T. Brown  
Thomas J. Cooney  
Mrs. Wenona B. Craft  
Rachel O. Miller  
Carroll E. Peirce  
Pearl C. Souders  
Mrs. Myra Rhetta  
Edward Bishop  
Benjamin F. Burns  
Mrs. Cyril G. Cook  
Harry L. Gray  
Miss Fay Reynolds  
Bronson Skala  
Mabel W. Skala  
Esco L. Richardson  
Clair Aderer

Mr. VELDE. As I understand, you will stop him——

Dr. MAY. I will stop him if a person has been a student at the university.

Mr. APPELL (continuing reading):

Melissa Gragg  
La Verne Lym  
Dan Taylor  
Malby Roberts  
Peter Frost  
Elizabeth M. Nicholas  
Edward J. Paterson  
Anna Porter  
Harold Thomas  
George C. Sandy  
Milton Alterman  
Mrs. Clara L. Fox  
Mrs. Sadie Goldstein  
Clara R. Lair  
Orla Edward Lair  
Albert Lane Lewis  
Harry Ovadenko  
Marvel Ovadenko  
George A. Brain

Margaret Lafler  
Leo Baroway  
Elaine Black  
Esther Brown  
Edmund C. Burk  
Lou Mae Lean Craig  
Elsie Crane  
Emma Cutler  
Lillian Friedman  
Henry Andrews Harris  
Vernon D. Healy  
Sam Jaye  
Beatrice Kinkead  
Walter R. Lambert  
John Michael Lucid  
Harry Albert Mereness, Jr.  
Homer Mulligan  
Emile Rabin  
William Schneiderman

I assume he was the man who was head of the Communist Party in California.

Ada L. Smolan

Walter J. Stack

Dr. MAY. Excuse me. Ada Smolan was a student at the University of California for a short time during the summer of 1937. I met her in a class. It was an intensive course in Russian, a 10-week course, being attended by State Department people, Army people, and a

scattering of others. I understood she was a student at Stanford, but came up for the summer course. I became acquainted with her in the class, but that is all.

Mr. APPELL. Do you possess any knowledge showing her membership in the YCL or in the Communist Party?

Dr. MAY. I didn't know at that time, but later she was an official of the party in San Francisco. Just what official position she occupied, I don't remember.

Mr. APPELL (continuing reading):

Walter J. Stack  
Rosalie Todd

Allan T. Yates  
Oleta Yates

Dr. MAY. I know that she was a student at the University of California, but it was before 1932. Her name then was Oleta Conner, and she was active in the Socialist Party, and there was a big debate to which I went as a high school student, and she was speaking for the Socialist candidate for President.

I recall that because later I met her when she had become a member of the Communist Party, and I recalled I had her heard make this speech. She was a graduate of the University of California, but considerably before my time.

Mr. APPELL (continuing reading):

Robert Wood  
Thelma E. Phelps  
Albert Hougardy  
Harold J. Ashe  
Edward N. Dieblen  
Maurice Gutierrez  
William Kellas

Alice Martin  
Frank A. Martin  
Florencio Moisa  
Max Natapoff  
Lawrence Ross  
Ralph Allen Welden

Mr. APPELL. That is all.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. VELDE. Were you acquainted with any of the officials of the Soviet Consulate in San Francisco?

Dr. MAY. No; I was not.

Mr. VELDE. You never became acquainted with Peter Ivanov?

Dr. MAY. This name of Ivanov was mentioned today. I didn't know those people. However, I do recall on one occasion going to some sort of a social affair at which I was told there were some Soviet officials present, and one was pointed out to me at a distance. I don't remember his name being mentioned. He was dark and slim and he looked so sinister that we were all joking about it.

Mr. VELDE. Do you recall the occasion of that meeting where you saw him?

Dr. MAY. No. The only thing I recall is that it was at a big house, and that I was not acquainted with the people who were giving the party. I got an indirect invitation to come to it. It was a social affair, maybe put on by American-Russian Friendship, something like that. There was some reason for the Soviet people to be there.

Mr. VELDE. This was in San Francisco?

Dr. MAY. No; it was in East Bay. I remember it was a large house, but I don't remember anything else about the party than that.

Mr. VELDE. Coming back to your conversation with Steve Nelson on your visit to his home during the war, I want to ask you to try to remember the subject of your conversation and the approximate date.

Dr. MAY. Could you repeat that?

Mr. VELDE. You mentioned that during the war, probably when you were home on leave, you visited Steve Nelson at his home. I want you to try to recall the subject of the conversation at that time, if you can, and the approximate date.

Dr. MAY. I don't recall actually anything about the conversation, but I assume that it was mainly my telling of my adventures, because that was usually my topic of conversation when I was home on leave, no matter whom I ran into.

Mr. VELDE. I assume Steve Nelson spoke about his fighting in the Spanish Civil War?

Dr. MAY. He might have, although Steve Nelson didn't talk very much about his war experiences. He was more modest than I was.

Mr. VELDE. Do you have any other information of any kind that you think might be valuable to this committee?

Dr. MAY. I don't think so.

Mr. APPELL. Our records reflect that on April 7, 1948, you signed a letter in defense of the Jefferson School of Social Science.

Dr. MAY. Do you know the nature of the letter?

Mr. APPELL. It was a protest against the listing by the Attorney General of the Jefferson School of Social Science as a Communist school. I would like to know if you did sign it, or whether they used your name without your permission, and if you did sign, how were you approached to defend that school?

Dr. MAY. I have signed one thing of this general nature since the war. I don't know that this is it, but I presume this must be it, from the fact you say it.

I receive quite frequently appeals from all sorts of organizations by mail, and on one occasion I remember I did decide I would sign the thing and return it. The only thing I remember about it is that they said that if you didn't want the institution with which you were associated to be listed, to so designate, and I did so designate. Later I got a list of the people who had signed, and they did not put the name of the institution there. I asked them, if they wished to list my name as signing this appeal, that they simply list my name as an individual.

Mr. APPELL. What did you sign on the card?

Dr. MAY. Simply my name.

Mr. APPELL. For identification purposes you didn't want Carleton College to be shown as the school with which you were associated?

Dr. MAY. Exactly. I didn't want to embarrass the college. It is no secret I teach there, but it is dubious whether a person should list his connection if it might look as though the institution is endorsing it.

No individual ever talked to me about it. It was just one of many such letters I received, and my feeling was that the listing of educational institutions as subversive raises the question of freedom of instruction, freedom of speech.

Mr. APPELL. Along that line I would like to ask you, take the Oakland Workers' School, California Labor School, and other schools not operated by the party but heavily supported by the party, other than teaching, isn't the purpose of those schools to recruit members into the Communist Party?

Dr. MAY. The only school with which I had direct experience was this Oakland Workers' School, and my main interest in it was simply



that it would, I hoped, educate the members of the party and other people, give them more education, so that they would have better understanding. It was not primarily concerned with recruiting people into the party.

Mr. APPELL. Were all of the students at the Oakland Workers' School members of the Communist Party?

Dr. MAY. No. Many people were not, I am sure.

Mr. APPELL. And in the course of the instruction of Communist Party members, weren't the non-Communists indoctrinated with communism?

Dr. MAY. Possibly that may have been.

Mr. APPELL. And from your experience in the Communist Party, isn't the same thing true of the California Labor School and the Jefferson School of Social Science.

Dr. MAY. I would like to distinguish the Workers' School in which I was involved from these other schools. The Workers' School in which I was involved was more definitely organized by party people. It didn't have any broad backing at all. Whereas, as I understand it, I have very little knowledge of these other institutions, but I understand they had rather broad backing. The California Labor School had broad labor backing.

Mr. APPELL. Who formed the Tom Mooney School?

Dr. MAY. I am not familiar with that. I have no doubt Communists were involved in organizing it, but I was not involved, and I don't know.

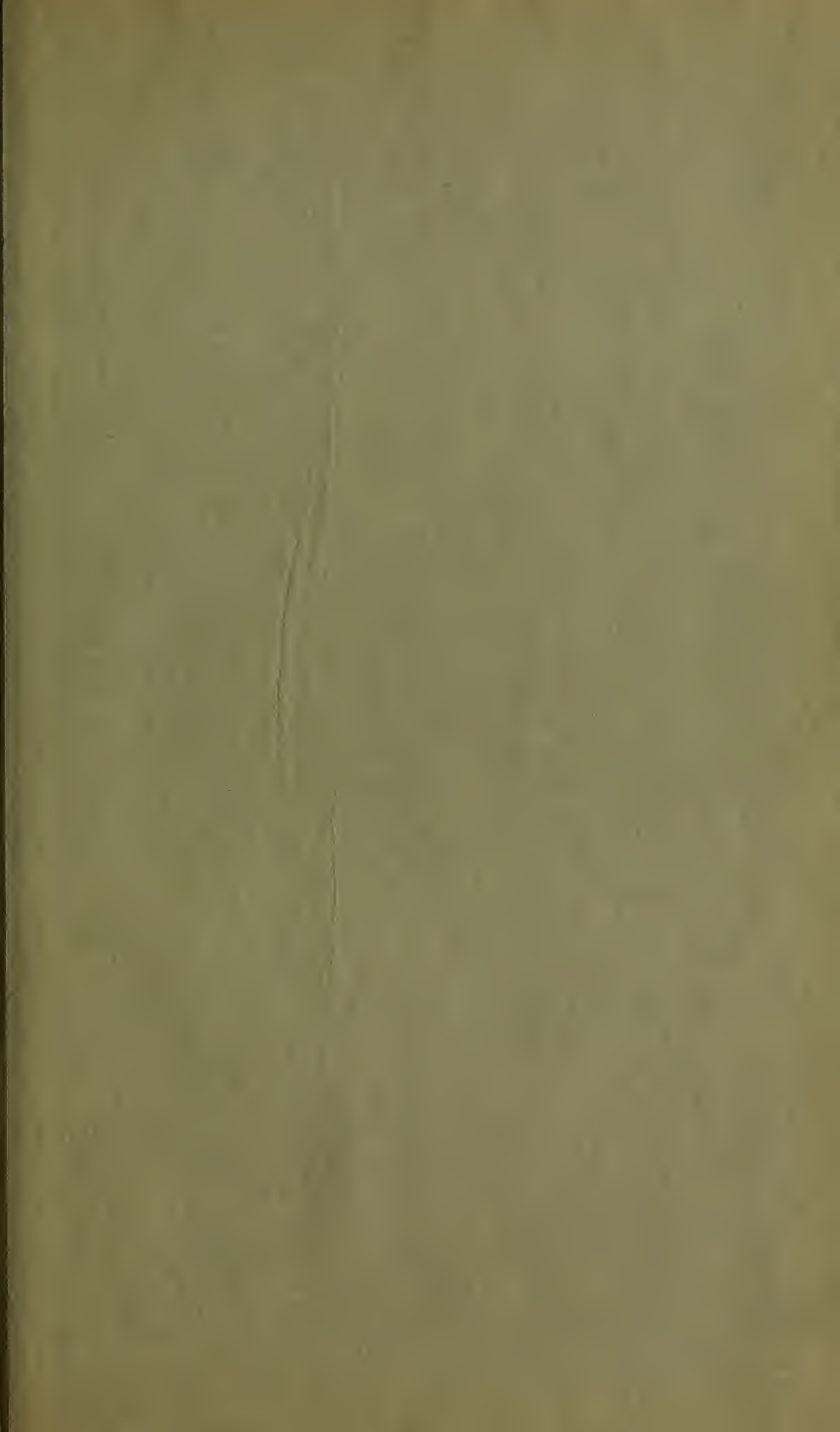
Mr. APPELL. The records of our committee, and the studies we have made of these schools, indicate that while they have in the past received support from labor organizations, most of that support came from the organizations which have now been expelled from the CIO, and these schools have operated as indoctrination centers for the Communist Party. Doesn't that place these schools, as educational institutions, foreign and apart from what we consider to be educational institutions?

Dr. MAY. I really don't know the answer to that. You have more information about it than I do. In any case, my feeling about it was one based on general principles, not on specific knowledge of these schools.

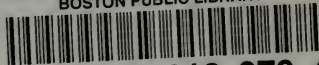
Mr. VELDE. If you subsequently recall any other names of important members of the Communist Party, or any other information of value to the committee, we will appreciate your forwarding it to us.

The meeting is adjourned.

(Thereupon, at 11:55 a. m., the hearing was adjourned.)



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